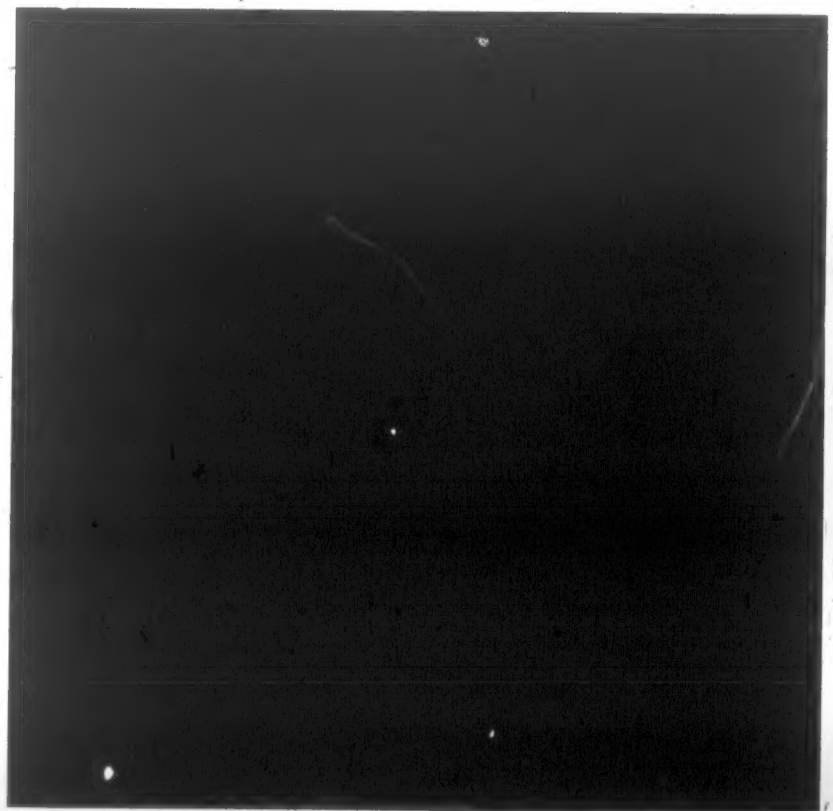
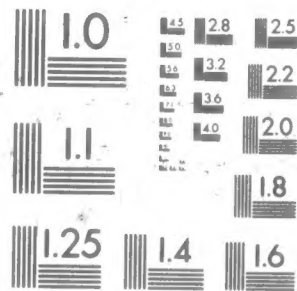
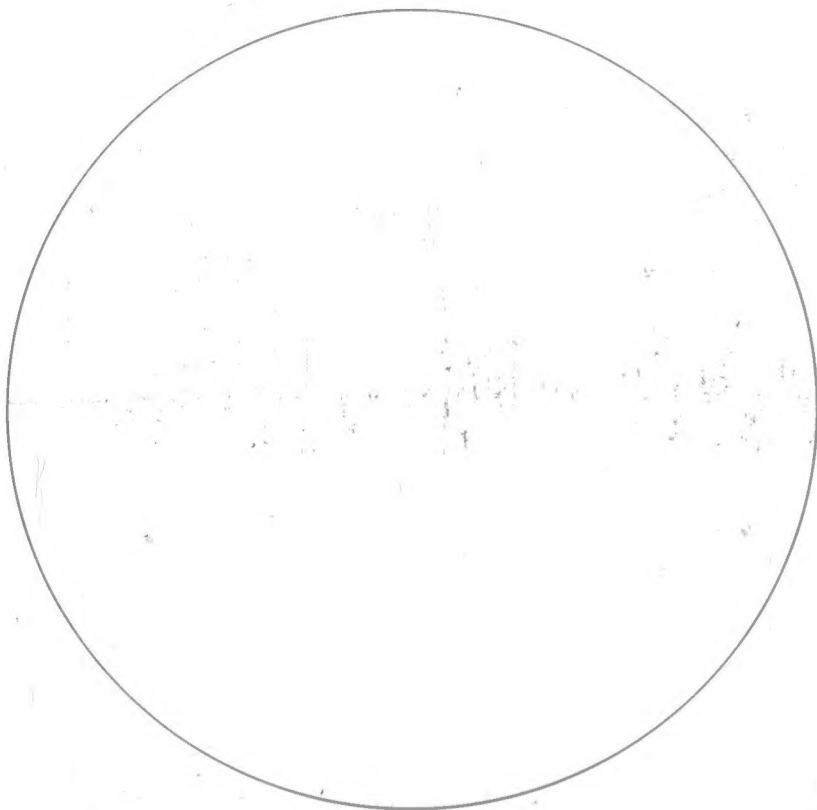
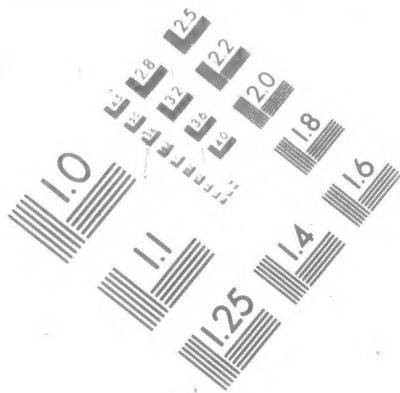
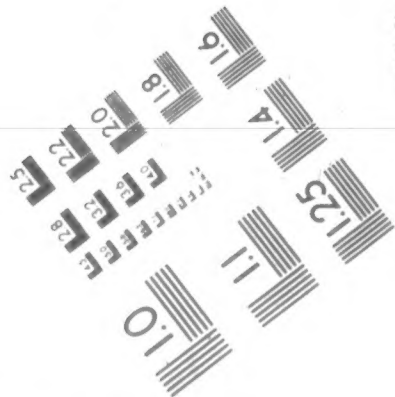


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 383

CHEROKEE FREEDMEN R770 - R811

**THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Chas. F. P. 770

Chas. F. R. 770

Trans. from F.D 987

Admission not found on the Justice roll of the Cherokee Nation.

There is no roll with the Justice roll, and the Justice roll is not a roll of the Cherokee Nation.

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Admission not found on the Justice roll of the Cherokee Nation.

To be filed with the case of Mary Hazelrig, C. F. D. 987.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 29th 1901.

In the matter of the application of Mary Ann Riley for enrollment as a Cherokee freedman.

Appearances:

Mellejette & Smith attorneys for applicant

W. W. Hastings, of counsel for Cherokee Nation.

Mary Ann Riley, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. My name is Mary Ann Riley.

Q How old are you? A I am going on 81.

Q What is your post office? A. Bartlesville.

Q What district do you live in? A. Cooweescoowee.

Q You want to be enrolled as a Freedman? A. Yes sir.

Q Who do you want to enroll besides yourself? A. My daughter.

Q How old is your daughter? A I dont know her age, shewill give her age when she comes.

Q Anybody else? A. No one else but me.

MR. SMITH: Where do you live? A. I live on Horse Creek Bend of Caney

Q That is the Cherokee Nation? A. Yes sir.

Q How long have you ~~been~~ been living there? A. I can't tell you how long I have been there, I can't and tell the truth

Q You haven't got any children I guess that are living with you? A. I have one daughter.

Q She isn't living with you? A. She is a married woman.

Q What is her name? A. Her name is Mary Hazelrig.

Q Who is she married to? A. George Hazelrig.

Q Where does she live? A. Lives about five miles from me on the other side of Coon creek.

Q Where is that in the Cherokee Nation? A Yes sir, in the Cherokee Nation, all of it.

Q Were you a slave? A. Yes sir I was.

* Then how old is your daughter; was she born before the war or after the war? A She was born before the war.

Q How old was she when the war commenced? A I cant tell you because I never knew I had to go through any such business as this, and I never tried to keep her age or nothing.

Q You can tell me about your daughter Mary, how big a child she was when the war commenced, cant you? A. When the war commenced I recokon she was about 6 years old, maybe.

Q Who did you belong to? A. I belonged to Stand Watie.

Q Was he a Cherokee Indian? A Yes sir.

Q What did he name you? A. He was living on Brush creek, that is the place I think they called it, I think that is the place he gave in, Brush creek.

Q In the Cherokee Nation? A. Yes sir.

Q Where was you at that time? A. I was right at his house, right with him.

Q Where was Mary? A. She was there too at the same place.

Q Was Mary with you? A. Yes sir, we both belonged to Mr. Watie.

Q Now what became of you during the war, were you taken out of the Nation or did you go out, or what became of you while the war was going on? A I was taken out by the soldiers.

Q Well where were you taken to? A They carried me to Fort Scott

Q Took Mary too? A Took Mary too.

Q When did you come back to the Cherokee Nation? A We come back to the Cherokee Nation in '66

Q Who did? A. Who came?

Q Who did you come with? A. Me and Mary and my husband and my son

Q What was your husband's name? A. Thomas Watie.

Q What was your son's name? A. Joseph Watie.

Q Whereabouts did you come to when you came back to the Nation after the war? A. We came to Aunt Susie Colberts.

Q What part of the Nation? A I cant tell you what part of the Nation

to save my life because I never thought of such a thing, but we come to Aunt Susie Colbert's.

Q Who was she? A. She was a Cherokee freedwoman, is all I can tell you
Q Was she a Cherokee slave, a freedman, or something of that sort? A Yes sir.

Q Well, where have you been living now since you came back here? A. ~~Having~~ Been living on the Horse Shoe Bend of Oaney.

Q Have you lived in the Cherokee Nation ever since you came back? A.

I have never been out of the Cherokee Nation anywhere since I came to the Cherokee Nation, never been anywhere out of the Cherokee Nation

Q Well, what become of your daughter Mary, where did she live after you brought her back here? A We all lived together around here until we got split up, scattered out from one another.

Q When did Mary marry? A Mary married, I cant tell you exactly when, because I dont know, I dont want to sit up here and tell a whole lot of something I dont know anything about, I cant tell you when Mary married.

Q What became of your son, what did you say his name was? A Joseph Watie.

Q Where is he? A. He is dead and in the grave.

Q Where is your husband, is he dead too? A. In the grave.

Q Is any of your family alive except you and Mary? A That is all I know of, there is some left but I dont know where they are.

Q How do you happen to be called Riley now? A. I will tell you how I been called Riley, just like other people when they marry off they take the man's name, that is the way I got it.

Q Did you marry a man named Riley after Watie died? A. I married him right there in Mr. Watie's kitchen.

Q Married who? A. Thomas Watie, he belonged to Watie and I belonged to Watie and he took his father's name.

Q Well, what was that? A. Riley.

Q So Thomas Riley was sometimes called Thomas Watie? A. Yes sir.

Mr. Hastings: Now Aunt Mary, where did your daughter Mary marry, at whose place? A I cant tell you at whose place she married, she married here in the Cherokee Nation and she went away from me to marry, she went a long way from me to marry, I dont know how far they went to get married, but she married in the Cherokee Nation.

Q In what town was she married? A. I dont know whether in the town or not.

Q Who was living near you when your daughter Mary married? A You want to know who my nearest neighbor is, is what you want to know? ~~Yes~~

Q Yes? A Well Bob Duncan.

Q Was he living near you at that time? When Mary married? A. Yes sir he was the nearest man.

Q Who else lived around you? A. Sam Beck was the next closest man.

Q How far was that from Fort Scott? A Oh well, she married here in the Cherokee Nation.

Q Well, what part of the Cherokee Nation, that is what I am trying to find out? A. I wish I was able to tell you, but I told you I dont know, I told you I dont know.

Q You dont know one year from another? A. No I dont, you spoke the truth then, God knows you spoke the truth, because I never has the liberty in this world to know that.

Q You dont know this year? A. No sir.

Q You dont know when you come back? A. I know I come back to the Cherokee Nation, I know that is all.

Q That is all you know? A. That is all, I know I come back to the Cherokee Nation

Q You know you are in the Cherokee Nation now? A. Oh bless God, yes.

Q What was Watie's wife? A. Her name was Sallie.

Q You know that dont you? A. Yes sir I do sure know it.

Q Now I am trying to find out near what point or near what settlement or on what creek or what river or what part of the Cherokee Nation you first came to when you came back here? A. I never seen any river when I come here, I never seen any river about Aunt Susie Colbert's, I came to her place first, but when I went down where I am living now,

Caney River, is the first river I seen.

Q I want to know where Aunt Susie Gilbert lives? A. I can't tell you, all I can tell you, I can tell you she lives in the Cherokee Nation, because I told you when I was down here I told you I couldn't tell because I never thought anything about this stuff in the world and I never even thought of it, thought I would be coming to the Cherokee Nation to live, that is all I had to think about, thought I just had to come to the Cherokee Nation to live, I didn't know I would ever be brought up about these dates.

Q Where did you see L. D. Daniels first after the war? A. I saw him in the Cherokee Nation when I first came back.

Q What place? A. The first place I ever saw L. D. Daniels to be acquainted with him, I had seen him, but the first place I was seen him to be in anyways personally acquainted with him, was at Goose Neck Bend.

Q That was the first time was it? A. Yes sir, that was the first time and that wasn't the first time I had seen him passing by, I didn't know the man.

Q That was after the war, wasn't it? A. After the war.

Taking of testimony continued by stenographer Chas. von Weise.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above cause and the foregoing is true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this 12th of July, 1901.

(signed) T. B. Needles,
Commissioner.

Continued from Stenographer Bruce C. Jones,
Nowata, I. T. June 29th 1901.

L. D. DANIELS, called and sworn as a witness for the applicant,
(By Mr. Smith)

Q What is your name? A. L. D. Daniels, age 56, post office Claremore.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Do you know this applicant? A. Yes sir.

Q When did you first know her? A. About '76, after I moved up here in this district.

Q Did you know her before the war? A. No sir.

Q Was that the first time you saw her in the Cherokee Nation after the war? A. Yes sir.

Q Where was she living then? A. Her husband bought a place 4 miles from me on Possum creek.

Q Where is Possum creek, in the Cherokee Nation? A. Yes sir.

Q How far is it from where you live now? A. Five miles from my home place.

Q Where has the applicant been living since '75? A. Near Bartlesville, on Caney, north of there.

Q Is that in the Cherokee Nation? A. Yes sir.

Q Has she any children? A. Yes sir, one girl at I know of.

Q What is her name? A. I can't tell her name, I never was at her place but twice.

Q Do you know of your own knowledge what her daughter is named now? A. I think she is married to a man named Hazelridge.

Q Do you where she is living now? A. On Big Caney, Cooweescoowee district, Cherokee Nation.

Q How long has this daughter been living there? A. I don't believe I know exactly, something over twenty years.

By Hastings-

Q What was this daughter named when you first went up there? I don't know, she may have been, I am not certain.

By Commissioner of applicant-

Q Did you ever draw strip money? A. I don't know.

Applicant not found on the 1880 or 1890 rolls of the Cherokee Nation.

Kern Clifton roll examined and the applicant found as follows: page 183 No 4014, Mary Ann Wallis, Oconee District.

Applicant not found on the Wallace roll of the Cherokee Nation.

By Smith of applicant-

Q Where is your daughter Mary? A. Camped over there a little ways.

By Orr's Needles, Mary A. Riley applies for herself; she cannot be identified on any of the rolls except the Kern Clifton roll; she avers that she was a slave of one Stand Wallis, went to Fort Scott and returned in 1886 and married one Tom Wallis sometimes known as Riley. satisfactory proof as to residence is made, consequently she will be listed for enrollment as a Cherokee freedman on a doubtful card and when the final decision is arrived at she will be notified by mail.

=====

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise,

Subscribed and sworn to before me this the 13th of July, 1901.

(signed) T. B. Needles,

Commissioner.

I, Chas. von Weise, upon my oath state that the foregoing is a full and correct copy of the original.

Subscribed and sworn to before me this 3rd of August, 1901

Handwritten signature

Handwritten signature

Notary Public

Department of the Interior
Bureau of the Land Office
Washington, D. C. 20240

In the matter of the enrollment of Ray Beedles for the enrollment of himself and eight children as Cherokee Indians and the enrollment of her husband as a Cherokee Indian by her marriage, as being sworn to by Commissioner C. A. Beedles, consisting of following:

1. B. Hall, attorney for the Cherokee Nation

Levi T. Brown, agent for the enrollment

B. Hall Beedles, -

- Q What is your name? A Ray Beedles.
- Q What is your age? A 44.
- Q What is your post office address? A None.
- Q In what district do you live? A Commissioner.
- Q Do you want to be enrolled as a Cherokee Indian? A Yes sir.
- Q Who else do you want to have enrolled besides yourself? A Eight and eight children.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A George Beedles.
- Q Is he a citizen? A No sir.
- Q Is he living now? A Yes sir.
- Q Do you apply for himself and present of all children? A Yes sir.
- Q What are the names of your children? A William, Alexander.
- Q How old is he? A 2 years.
- Q He must apply for himself. A Yes sir.
- Q Tell the next child's name? A Joseph.
- Q How old? A 19 years.
- Q Next? A Lucy.
- Q How old? A 11.
- Q Next? A Alexander.
- Q How old? A 10 years.
- Q Next? A Joseph B.
- Q How old? A 8 years.
- Q Next? A James A.
- Q How old? A 6 years.
- Q Next? A Jacob L.
- Q How old? A 3 years.
- Q Next? A Fred.
- Q How old? A One year old.
- Q Is your name on any of the rolls? A No sir the rolls are Wallace rolls.

Kern Clifton roll examined and the enrollment was correct as follows: Page 163 No. 4011 Ray Beedles Commissioner district.
Page 163 No. 4012 William Beedles Commissioner district.
Page 163 No. 4013 Joseph or Ray Beedles.
Page 163 No. 4014 Lucy Beedles.
Page 163 No. 4015 Alex Beedles.
Page 163 No. 4016 Jo Beedles.
Page 163 No. 4017 Kitter Tom Beedles.

Q Are these children all living at this time? A Yes sir.
Q Are all the children of George Maselrig by yourself? A Yes sir.
Q Are all born in the Cherokee Nation? A Yes sir.

Q Was he a slave before the Civil war? A Yes sir.
Q Did you ever own a slave? A My mother and father belonged to
Francis White and was born in the kitchen.
Q Was he a free negro citizen? A Yes sir.
Q Did you ever see him live at that time? A Going home.
Q Did you ever see him after the war? A Yes
Q Did you ever see him? A He was a free man.
Q Did you ever see him? A Yes sir.
Q Did you ever see him? A Yes sir.
Q Did you ever see him? A Yes sir.
Q Did you ever see him? A Yes sir.

[illegible]

- Q What year was it? A I dont know.
Q Do you know what year this is? A No sir.
Q Are you on the Wallace roll, did you draw money on it? A I guess so.
Q How old are you now? A I guess I am 44 years old.
Q Dont you remember nothing since you were 20, 30 or 35 years old? No sir I was studying about work and wasn't studying nothing like this here.
Q Where did you get married at? A In the Cherokee Nation.
Q What place? A Down here at Allowee.
Q In whose house? A The clerk's office.
Q When was that? A I dont know.
Q What year was it in? A I dont know.
Q Have you got your license? A Yes sir.

By the Commission-

- Q Was George Hazelrig your first husband? A Yes sir.
Q Did he ever have any other wife besides you? A Not that I know of.
Q Are these children all living with you? A Yes sir, all except those in jail.
Q How many have you in jail? A Two.
Q Which ones? A Jesse and William.
Q And the reason the one of age is not here to apply for himself is because he is in jail? A Yes sir.

By Com'r Needles,-

Mary Hazelrig applies for herself and eight children as Cherokee freedmen and for her husband as a freedman by intermarriage. The oldest child, William A. is 21 years of age, but he is not here on account of being in jail; she presents satisfactory proof of her marriage to one George Hazelrig according to the laws of the Cherokee Nation on the 27th of Oct. 1887, and presents a duly authenticated marriage license. She is duly identified on the Kern Clifton roll and the Wallace roll. Her six oldest children are identified on the Kern Clifton roll; William and Jesse are also identified with her on the Wallace roll, and she presents satisfactory proof of the birth of her two youngest children; she avers that she is the daughter of Mary Ann Riley, nee Watie who has been listed for enrollment as a Cherokee freedman on a doubtful card #957 and the testimony taken therein is hereby referred to and will be made a part of the application at bar and a copy thereof filed herewith. She makes satisfactory proof as to residence; consequently the said Mary Hazelrig and her eight children named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card and her husband George Hazelrig as a Cherokee freedman by intermarriage. They will be notified of the final decision of the Commission when the same is arrived at.

o-o-o-o-o-o-o-o-o

Chas. von Weise, being sworn states that as stenographer to the Commission to the five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. Von Weise

Subscribed and sworn to before me this 15th of July, 1901

(Signed) T. . Needles,

Commissioner.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

H. M. Vance
Subscribed and sworn to before me this the 25th day of March, 1904.

Charles H. Sawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERKY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Marian Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Marian Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Hazelrig, D 967;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Marian Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

By Mr. Smith:

The applicant further moves that as to the above named cases including the Marian Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.



Cherokee Freedmen D 987
D 987

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., April 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Mary A. Riley, C. F. D. 987; and in the matter of the application of Mary Hazelrig, et al., C. F. D. 987, for enrollment as Cherokee freedmen.

It appears that on the 7th day of March, 1904, the principal applicants and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskegee, Indian Territory, on April 6, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Mary A. Riley appears by her attorneys W. C. Van Hey and J. M. Givens.

Mary Hazelrig appears in person and by her attorneys, W. C. Van Hey and J. M. Givens.

Cherokee Nation by its attorney, W. W. Hastings.

MARY HAZELRIG, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Mary Hazelrig.

Q How old are you? A I guess about 40.

Q What is your postoffice address? A Dewey, Indian Territory.

Q You are claiming right to enrollment as a Cherokee freedman?

A Yes, sir.

By Mr. Hastings:

Q How old did you say you are? A About 40; I don't know exactly.

Q Were you born before or since the war? A Before the war?

Q Do you remember when the war came up? A No, sir, don't know anything about it.

Q You don't know with whom you were living? A I was with my mother and father is all I know.

Q You don't know with whom of your own independent knowledge?

A No, sir.

Q You were taken out during the war? A Taken out? I don't remember.

Q You were taken to Kansas, weren't you? A No, sir.

Q Didn't you swear before the Commission that you went to Kansas?

A Not me.

Q What town up in Kansas did you live near to? A I don't know of any. I remember of Fort Gibson.

Q That is all you remember? A Yes, sir.

Q When you were first old enough to remember where were you living?

A Living in, near Fort Gibson, or somewhere, I---

Q What direction from Fort Gibson? A Couldn't tell you anything about that.

Q Was it towards sunrise or sunset or north or south? A I don't remember nothing about that.

- Q About how far from Fort Gibson? A About a mile, maybe two, I don't know exactly.
- Q Were you living in a house or tent? A In a wagon.
- Q Just lived in a wagon? A Yes, sir.
- Q How long did you live in a wagon? A Don't remember.
- Q Just camping there? A Yes, sir.
- Q Well, how long? A Don't know anything about it.
- Q Did anybody live near there? A Couldn't tell you.
- Q Where did you get anything to eat? A Just where we could.
- Q Don't you remember anybody that your parents got something to eat from? A Just where they could get it.
- Q How long did you stay around there? A I couldn't tell you anything about it.
- Q Did you stay there a week? A I don't know, I reckon we stayed there longer than that.
- Q Did you stay there ten days? A I reckon so, I couldn't know; I was not old enough to take notice of that.
- Q Did you see anybody that you know out there? A I couldn't tell you; sometimes we would see somebody and sometimes not.
- Q Do you remember now of ever seeing anybody from there? A Yes, I remember of seeing John Baldridge.
- Q Did he live out there with you? A No, sir, I don't think he did.
- Q Did he live right near to you there? A Passing back and forth, I reckon.
- Q Don't you know that you never saw him? A I have seen him, yes, I have.
- Q Tell me some other man on earth that you saw while there? A Seem like I remember a man by the name of L. D. Daniels.
- Q You think you remember him, do you? A Yes, sir.
- Q That was while you were near Fort Gibson? A Yes, sir.
- Q L. D. Daniels swears that he never saw you until '76, what do you think about that? A I don't know.
- Q Still you are willing to swear that you saw them there at the same time? A No, I think I saw him there.
- Q John Baldridge didn't have any house there, did he? A Not as I know of; didn't know anything about it.
- Q You were not acquainted with him were you? A I have seen him.
- Q Before that? A Yes, sir.
- Q Where did you see him? A He come around there.
- Q You were in the wagon there? A Yes, sir.
- Q And couldn't get anything to eat? A They got it wherever they could.
- Q Were you camped in the prairie or timber? A We camped in the timber.
- Q Were there any creeks around there? A I don't remember about creeks.
- Q Any springs? A I don't remember no wells.
- Q Or springs? A I don't remember.
- Q Where did you get water? A Out of the springs.
- Q Thought you said there wasn't any? A No, I didn't say it.
- Q Was there any corn in the fields? A I don't remember any.
- Q Don't ever remember seeing anybody ever there, except John Baldridge pass along? A Yes, sir.
- Q That is all is it? A Yes, sir.
- Q Do you remember whether that was in the morning or evening? A I don't know.
- Q What year is this? A I couldn't tell you; don't know anything about it.
- Q What month is it? A I believe they say it is April; I don't know; you ought to know; I am not educated.

Q You don't know one year from another do you? A Only what the people tell me.

Q Where did you go from that neighborhood about Fort Gibson? A We come on out on Verdigris, about there.

Q Did you find anybody living there then? A We stayed a while at Aunt Susie Colbert's.

Q Where was that on Verdigris? A I think it is on Snow Creek.

Q Near what town? A Not any town that I know of.

Q Wasn't there any place you went to trade? A Not as I know of.

Q How long did you stay there? A We didn't stay there so very long, ~~xxxxx~~

Q Two or three days? A We may have stayed longer than that.

Q Did you? A I don't know sir.

Q Why don't you? A Because I never thought anything about the time.

Q Did you stay a month? A I don't know.

Q Did you stay there ten years? A Don't know anything about it.

Q Don't you know the difference between a month and ten years?

A I knew what the people tell me is a month.

Q Well, don't you know about staying there? A We may have stayed there a month.

Q Where did you go from there? A Out on Caney.

Q Where you are living now? A Where we live now.

Q Who were neighbors to you then? A Nobody but some colored folks.

Q Who were they? A Daniels.

Q L. D. Daniels? A Not L. D. Daniels; I mean my sister.

Q Any Cherokees living out there then? A I don't know of any.

Q Any white people at all? A Not as I know of.

Q Any town out there? A There wasn't when we come there.

Q Where did you get what you eat? A We get what we eat from Coffeyville.

Q Town of Coffeyville? A Yes, sir.

Q Did Joe Parker live there? A I don't know.

Q Any Delawares living there then? A I don't know them.

Q Don't know them yet? A No, sir, I knew a very few of them, because I don't go around any place, stay at home and tend to my business.

Q Who were neighbors to Susie Colbert on Snow Creek? A I couldn't tell you.

Q Did they have a house when you went there? A I think they did.

Q Don't you know? A They were in a log house.

Q Did they have a field? A A little garden spot.

Q A little garden spot? A Yes, sir.

Q You don't know any of her neighbors? A No, sir.

Q You have never had Susie Colbert to testify for you? A No?

Q Yes. A Not as I know of.

Q Why have you never had John Baldridge testify for you before today? A I don't know, sir.

Q When did you first remember that you seen him at Fort Gibson?

A I couldn't tell you when I first remember.

Q You don't know what direction you came from Fort Gibson? A No.

Q You don't know how long you stayed there? A I think two or three weeks.

Q And then you went from there to Susie Colbert's, on Snow Creek?

A Yes, sir.

Q And they had a little house and patch in and others had houses along? A I never noticed any.

Q Then you went from there over where you are living on Caney, is that it? A Yes, sir.

Q You stayed at Susie Colbert's how long? A About a month.

JOE DAVIS, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Joe Davis.

Q How old are you? A 49.

Q What is your postoffice address? A Vinita, Indian Territory.

Q Are you claiming to be a Cherokee freedman? A Yes, sir, I am a Cherokee freedman.

Q Do you know Mary A. Riley? A Yes, sir.

Q Do you know Mary Hazelrig, her daughter? A Yes, sir.

Q How long have you known them? A Well, sir, I couldn't tell--a long time, though.

Q How old is Mary Riley? A I don't know her age.

Q Is she a very old woman; can't you give an idea? A No, sir, I couldn't; she is awful old.

Q How old is Mary Hazelrig? A I would judge her to be somewhere about 40 or 45.

Q Was she born before the war? A She must have been.

Q Did you know either of these women before the war? A No, sir.

Q When did you first get acquainted with them, how long after the war? A Well, I don't know; it must have been four or five years after the war.

Q You don't know anything, then, of your own knowledge as to whether they were slaves of Cherokee citizens before the war? A No, sir, I don't.

Q Where were they living when you first became acquainted with them?

A When I first became acquainted with them they were living, I believe, on the other side of the Verdigris.

Q On what place? A Somewhere near where the old Lane place is now.

Q Near what town? A Five or six miles from Coffeyville.

Q Could you tell about what year that was? A No, I don't know exactly.

Q Do you know about how many years ago that has been? A It has been some 25 or 30 years ago, probably longer than that.

Q Where have they continued to live since you have known them?

A I don't know; they have been living out on Caney for a number of years; they moved from there out on Caney.

Q They have lived in the Cherokee Nation since you have known them?

A Yes, sir.

Q Did you know the husband of Mary Riley? A Yes, sir.

Q What was his name? A Some called him Tom Riley; some Tom Ridge. He was my grandfather.

Q Was he a slave of a Cherokee citizen? A Yes, sir, so they say.

Q When was he married to Mary Riley, before the war? A I couldn't tell you; I think it must have been.

Q Did he go out of the Cherokee Nation during the war? A I couldn't tell you that from my own knowledge.

Q When did you first see him in the Cherokee Nation after the war?

A When I first seen him, it was in '66, so they say.

Q Where at? A Fort Gibson.

Q What time of the year was that? A It was sometime along in the summer; it has been so long I can't recollect.

Q Was he living there at that time? A Yes, sir, he was staying there.

Q Did he have anyone with him, his family or children? A I didn't see his family.

Q Do you know whether he was married at that time to Mary Riley?

A I don't know from my own knowledge. I didn't see her; I heard him say he had a family.

Q How long did he live there at that time you speak of having seen him in Fort Gibson in '66? A I couldn't tell; I moved away from there in '66 sometime.

Q How long did he live after that? A I think it has been about 10, 11 or 12 years.

Q Did he continue to live in the Cherokee Nation from the time you saw him in Fort Gibson until the time of his death? A I think he did.

By Mr. Van Hoy:

Q Where did he die, Joe? A On Caney.

Q How old were you? A About 9 or 10 years old.

Q Did you live there at Fort Gibson for sometime after? A Yes, sir, during the war quite a while after the war.

Q Could you give me an idea about how long Tom Riley was there after the war? A No, I ~~was~~ went away sometime in the fall, up on Snow creek.

Q When did you see him next? A I seen him along sometime, I don't remember, been three or four months afterwards, he used to come up there on Snow creek to see me.

By Mr. Hastings:

Q What was Tom Riley doing in Fort Gibson when you saw him there? A I couldn't tell; he had just come back home.

Q Did you see him more than once? Yes, sir.

Q In Fort Gibson? A Yes, sir, I did.

Q Was he living in a house? A He must have been.

Q Were you ever in his house? A No, sir.

Q Do you know what part of town he was living in? A No, sir, I don't; it has been so long, I would either see him in town or he would come to where I lived.

Q You don't remember anything about that? A No, sir, I don't.

Q You know as a matter of fact that his wife wasn't there, don't you? A Well, I don't know, I didn't see her.

Q You know from what he said that she wasn't there? A I don't know, I didn't see her.

Q You knew that she was in Kansas at that time, don't you? A She may have been.

Q You know that he told you that at the time, don't you? A I think he did if I aint mistaken.

Q He told you she was there didn't he? A I think he went back after his family.

Q You never saw her for four or five years, did you? A No, I never.

Q You never saw him living in a house ever there, did you? A No, sir, I don't know where he lived at or who with. It was directly after the war. I heard my ~~gma~~ grandpa was in town, and he come to see me.

Q You think that was in '66? A I know it was.

Q In the spring? A In the summer.

Q How many times did he come to see you? A I don't recollect.

Q You don't remember of his stopping and doing any work? A Not as I recollect.

Q Did he say what town in Kansas his family was at? A I don't remember.

Q You don't remember of his living in any house at Fort Gibson, or what he was engaged in or anything like that? A No, sir, I don't remember.

Q What were you doing there? A Wasn't doing anything; wasn't big enough to do any work. I might have carried in chips or a bucket of water or something; didn't have any occupation.

Q How old were you then? A I suppose I was about 10 years old.

JOHN BALDRIDGE, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A John Baldridge.
- Q How are you? A 74.
- Q What is your postoffice address? A Coffeyville.
- Q You claim to be a Cherokee freedman? A Yes, sir.
- Q Do you know Mary A. Riley? A Yes, sir.
- Q Do you know her daughter, Mary Hazelrig? A Yes, sir.
- Q Do you know whether or not they are Cherokee freedmen? A I know their mother is.
- Q You know Mary Riley is? A Yes, sir, she was Stand Watie's slave.
- Q She was the slave of Stand Watie? A Yes, sir.
- Q Was she taken out of the Cherokee Nation during the war? A Yes, sir.
- Q Where was she taken to? A South.
- Q Do you know where South? A She was right along with her master, Sand Watie.
- Q Do you know where he went? A South, he was in the federal army.
- Q Did she follow him into the army? A Last account she was.
- Q Was this child, Mary Hazelrig, born before the war? A No, sir.
- Q Do you know when Mary Riley returned to the Cherokee Nation after the war? A She came back along in the spring of '65, with old man drew.
- Q Was he a Cherokee? A Yes, sir.
- Q Where did she come to? A Fort Gibson.
- Q Was Mary Riley married at that time? A She said she was married, but I couldn't swear to that.
- Q Was her husband with her at that time? A No, they wasn't right together; she was with a man is what she claimed.
- Q Did she have any children with her at that time? A No, sir.
- Q What was her husband's name? A They called him Tom Ridge or Riley is what she claimed.
- Q When did you first know this child, Mary Hazelrig? A It was along somewhere about '73 or '74.
- Q How old was she then? A Nothing but a girl.
- Q Do you know when she was born? A No, sir.
- Q Do you know where she was born? A No, sir.
- Q Did Mary Riley continue to live in the Cherokee Nation after you saw her shortly after the war at Fort Gibson? A No, I couldn't say.
- Q When did you next see her after then? A I saw old lady along about the latter part of '66.
- Q Where was that? A She was in Fort Scott.
- Q Fort Scott, Kansas? A Yes, sir, but the old man he was here.
- Q She was married then? A Her and Tom Ridge was together I don't know whether they were married, ~~wasn't married~~
- Q Did she have any children at that time by Tom Ridge? A She had this girl that's what they claim.
- Q Was that girl with her in Fort Scott? A No, sir.
- Q Where was she? A The girl?
- Q Yes. A I couldn't tell you where she was at that time. I knowed where the old lady was. I was up there with some scouts and saw her on the streets and had a little talk with her.
- Q Was Mary Riley living in Fort Scott at that time? A Yes, sir she was staying there.
- Q Do you know how long she lived there? A No, sir.
- Q When did you next see her? A It was a good while.
- Q How many years? A I don't know exactly, I never paid any attention. Her Pa was with me, and I know---
- Q Mary Hazelrig's father? A Yes, sir.
- Q His name was Tom Ridge? A They called him Tom Ridge, or Riley.

Q When did you next see Mary Riley in the Cherokee Nation?after you saw her in Fort Seott in '66, as you say? A Couldn't say.

Q Was Tom Ridge the slave of a Cherokee citizen before the war? A I suppose he was.

Q Who did he belong to? A I couldn't tell you; they say to old man Ridge; I don't know.

Q Did he go out of the Cherokee Nation during the war? A They took him south, too.

Q When did Tom Ridge return to the Cherokee Nation after the war? A After we came to Fort Gibson, he was over here at Broken Rock along about the year '64, I think, and he was around about here about that time and then disappeared.

Q He was around Broken Rock in '64? A Yes, sir, and then he disappeared.

Q When did you next see him in the Cherokee Nation? A I saw him in the spring of '66.

Q Where was he then? A He came right to my house. I lived there right close to where P. P. Ross used to live.

Q Near what town? A Fort Gibson, and he come there and stayed right with me when I was sick and waited on me.

Q How long? A He stayed with me a little over a month or two months.

Q Was there anybody with him when he come there? A No, sir.

Q Where did he go when he left you? A He said he was going up Grand River and from there I don't know where he went.

Q When did you next see him? A I saw him in '74 and '73, along there when I moved up Verdigris.

Q Was that the first time you had seen him since the spring of '66, when he waited on you? A Yes, sir, yes, the first time.

Q You don't know where he had been between '66 and '74? A No, sir.

Q Was he living in the Cherokee Nation when you saw him again? A In '74?

Q Yes. A Not in particular as I know of.

Q Did he have any family, wife or children at that time? A He claimed he had them.

Q Were they with him? A He said he was living with this girl's mother at that time, and his other wife was on Grand River. Her name was Winnie Ratliffe.

Q Well, when did you see Tom Ridge again after '73 or '74? A I just naturally can't recollect when, right close along about '75.

Q I believe you state you don't know when Mary Riley came back to the Cherokee Nation from Fort Seott? A No, sir.

Q And you don't know where Mary Hazelrig was at that time? A No, sir.

By Mr. Hastings:

Q Where were you living before the war, John? A I lived up on the Illinois river, close to Oil Springs.

Q Where was Tom Riley living before the war? A I couldn't tell you.

Q You didn't know him before the war, did you? A No, sir.

Q Then you never saw him until during the war, or after the war? A No, sir, not to know him.

Q You never saw Mary Riley before the war, did you? A No, sir, she lived down here somewhere about Canadian.

Q Down in Canadian District? A Yes, sir.

Q Down about Webbers Falls? A Somewhere in that neighborhood.

Q You never lived there? A No, sir.

Q You never saw her there? A No, sir.

Q You never saw Mary Hazelrig before the war? A No sir.

Q She wasn't born until after the war? A No, sir.

Q About how many years after the war until she was born? A I couldn't tell.

- Q As many as five or six? A I wouldn't swear anything about it; I don't know.
- Q Don't you know she wasn't born until after the war? A She was not born until after the war.
- Q The first time you ever saw her was up in Fort Scott? A I saw her mother there.
- Q Didn't you see her there? A No, sir.
- Q Are you right certain Mary Riley lived near Webbers Falls, in Canadian district? A I couldn't swear it, but there's where Stand Watie lived, and she was his slave.
- Q You don't know she belonged to Stand Watie? A Just got their word for it.
- Q You never saw her at Stand Watie's house before the war? A No, sir.
- Q You say Tom Riley belonged to the Ridges before the war? A That is what they claim.
- Q You know which one of the Ridges? A I don't know.
- Q John Ridge? A I couldn't tell.
- Q You never saw him before the war? A No, sir.
- Q You are certain that Mary Ann Riley went south? A Yes, sir, they brought her back.
- Q How do you know? A They all come right there to Fort Gibson together. Clem Rogers was along.
- Q Clem Rogers come right along did he? A Yes, sir, and Sam Day.
- Q They all come together? A Yes, sir.
- Q Now, John, it might surprise you if she swore that she went North and didn't go south? A Well, I don't know; I don't know a thing about it.
- Q Then you are liable to be mistaken? A I seed her in Fort Scott.
- Q Then if she swears that she went to Kansas, instead of going south she is mistaken? A I couldn't say that.
- Q You never saw her South? A I couldn't say that.
- Q You saw her in '66, in Fort Scott? A The old lady, yes, sir.
- Q And this child wasn't yet born? A I don't know; this child was born since the war.
- Q What time was it in '66 when you saw her in Kansas? A Latter part of '66.
- Q Were you at her house? A No, I met her on the street, and saw her there.
- Q You saw her and spoke to her? A I talked to her.
- Q You don't know where she was living? A No.
- Q How many years after that did you see her again? A I don't know.
- Q 20 years? A Not that long.
- Q Where did you next see her? A Here.
- Q Where at? A In my part of the country; up on Verdigris.
- Q Well about how long after you saw her in Fort Scott? A I saw her in Fort Scott directly after the war closed.
- Q When did you ever see the old man living up there? A I never saw him living up there in Fort Scott.
- Q Up on the Verdigris? A He stopped with me in '74.
- Q Had he come from Fort Scott there? A No, he come from Kansas somewhere.
- Q Where did he say his wife was? A He said he lived with one wife and was going to see the other. He said he lived with Winnie Ratliffe, if I aint mistaken.
- Q Where was she living? A About Grand River somewhere.
- Q Where was Mary Ann Riley? A Said he left her in Kansas.
- Q That was in '74? A Yes, sir, when he told me that.
- Q You had never seen Mary Ann Riley from the time you had seen her in '66, at Fort Scott, until you saw her in '74? A No, sir.

Q Where did you see the old man? A I told you he stepped with me at Port Gibson.
Q Where did you next see him? A I saw him on the Verdigris.
Q When? A That was in '74.
Q You never saw him from '66, when you saw him near Port Gibson, until you saw him in '74? A Yes, sir, he stayed with me and I never saw him any more until '74.
Q And you never saw his wife between those times? A No, sir.
Q And you never saw this girl, Mary Hazelrig between those times? A No.
Q Wasn't there anyone with you when you saw him at Port Gibson? A I couldn't tell you.
Q Was he horseback or on foot. A It was right in town.
Q Didn't have any wagon? A No, sir.
Q No horse? A No, sir.
Q Anybody there at home with you? A Coo Vann was with me and some of the boys was waiting on me.

JAKE DAVIS, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Jake Davis is my name.
Q How old are you? A About 60 or 64, somewhere along there.
Q What is your postoffice address? A Tahlequah.
Q You claim to be a Cherokee freedman? A Yes, sir.
Q Do you know Mary A. Riley? A No, sir, I know Joe Riley, I knowed Joe Riley in Gibson.
Q Who was he? A I don't know, sir, that's all the one I know.
Q Was he the husband of Mary Riley? A I guess he was; I don't know Mary Riley.
Q Do you know Mary Hazelrig? A No, sir I don't.
Q Was it Joe Riley or Tom Riley? A Yes, Tom Riley.
Q Was Tom Riley the slave of a Cherokee citizen? A I guess he was; he wasn't when I got acquainted with him.
Q Didn't you know him before that? A No, sir.
Q He was in Port Gibson then? A Yes, sir.
Q You don't know then whether he was the slave of a Cherokee or not? A No, sir.
Q Did he have any family there with him when you knew him in '66? A Not as I know of he didn't; it has been quite a while and I don't recollect.
Q What time of the year was it you got acquainted with him? A In the spring.
Q How long did you continue to know him? A About a year, I reckon.
Q Then did he move away? A He moved away and went somewhere.
Q Have you seen him since that time? A No, sir, never have seen him since.
Q You never heard of this Mary Riley nor Mary Hazelrig? A No, sir.
Q You don't know whether that Tom Riley was ever married or not? A No, sir, I don't.
Q You don't know whether he was out of the Cherokee Nation during the war or not? A No, sir, I don't; when I got acquainted with him it was '66, in the spring.
Q And you continued to know him there in Port Gibson a year? A Yes, sir.

By Mr. Van Noy:

Q Uncle Jake, you just knew a man named Tom Riley in Port Gibson, in '66? A Yes, sir.

By Mr. Hastings:

- Q What year is this, Jake? A Now?
- Q Yes. A I don't know, sir, what year it is.
- Q What year was it Kerns-Clifton made a roll here and you drew big money on it? A I forget.
- Q Jake, what year was it Wallace made a roll here? A I can't tell you.
- Q What year were you married in? A I don't know.
- Q Here's a man that you never knew before the war; did you? You know that man you are telling about? A No, sir, I never knowed him.
- Q And you have never seen him since? A No, sir.
- Q And now, 40 years nearly after, they are thrying to make you know him? A No, sir.
- Q And you can't be certain about these dates, because you can't remember dates? A No, sir.
- Q Its pretty hard to remember dates, isn't it? A Yes, sir.
- Q This is a man you never saw before? A No, sir.
- Q And you haven't seen him since? A No, sir.
- Q And you never saw his wife? A No, sir.
- Q Nor his daughter? A No, sir.

By Mr. Van Hoy:

- Q Uncle, what makes you think it was '66? A Everybody say it was; that's what I go by.
- Q How soon after the war was it? A Not so long after the closing of the war; not so overly long; don't know just how soon; wasn't long, though.
- Q You can remember facts by the war can't you? A Yes, sir.
- Q You can remember what occurred soon after the war in some cases? A yes, I can remember. I aint got no learning and I can't tell anything.

By Mr. Hastings:

- Q And you aint going to be positive, are you, Uncle Jake? A No, sir.

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Mariah French.
- Q How old are you? A I am going on 49.
- Q What is your postoffice address? A Lemapah.
- Q Do you claim to be a Cherokee freedman? A No, sir.
- Q You are a state woman? A Yes, sir.
- Q Do you know Mary A. Riley? A Yes, sir.
- Q How long have you known her? A I have knowed her ever since the fall of '66.
- Q Do you know her daughter, Mary Haselrig? A Yes, sir.
- Q How old is she? A I don't know.
- Q Was she born before the war or after? A I couldn't tell you that; she was as large as I was and I don't know.
- Q Do you know whether or not Mary Riley and her daughter, Mary Haselrig, were slaves of Cherokee citizens before the war? A I don't know no Cherokee slaves.
- Q Where was she then? A She was on Snow Creek.
- Q That's in the Cherokee Nation? A Yes, sir.
- Q What time of the year was that? A It was in the fall that I knowed her.
- Q Was she living up there? A Yes, sir, she had come down to Uncle Colbert's, some called him Uncle Mayo.

Q Did she have any children at that time? A No, sir, I didn't see any; I didn't think she did.

Q How long did she continue to live there with Colbert? A She stayed there until late in the winter and they had a falling out and she left.

Q That was the winter of----? A '66.

Q Where did she go then? A The next time I saw her, they had taken a little tent up on Vinegar Creek.

Q How long did she continue to live there? A I don't know.

Q When did you next see her? A The next time I saw her was at Vinita at the time of this enrollment.

Q Before the Dawes Commission? A Yes, sir.

Q When did you see her daughter, Mary Hazelrig, and get acquainted with her? A I got acquainted with her there.

Q Did you know Mary Hazelrig's father? A Old Uncle Tom Watie was her father; that's what we called him.

Q Was he married to this Mary Riley? A When I seen them they were together.

Q Do you know whether they lived together for any length of time? A Yes, sir, they lived together there at Colbert's.

Q They were there together? A Yes, sir.

Q Was this girl there then, Mary Hazelrig? A Yes, sir, he had his children there with him. There was another girl or two then.

Q What sized girl was Mary Hazelrig at that time? A She was larger than I was. I was a good big chunk of a girl, in my 14th year.

Q Then after they left Uncle Colbert's and went up on Vinegar Creek you never saw them any more until when? A I never say them any more until I saw them at Vinita.

Q You don't know where they had been living after they left Colbert's until you saw them in Vinita? A After they left Colbert's they lived on Vinegar Creek.

Q How long? A I don't know.

Q Was this man Watie living with Mary Riley at that time? A Yes, sir, she passed for his wife.

Q Do you know anything about whether Watie was the slave of a Cherokee citizen before the war? A I don't know; I never come here until '66. My stepmother come here as a Cherokee freedman and we were the first settlers on Snow Creek and stopped.

By Mr. Hastings:

Q You didn't come here to be a witness in this case, did you? A No, sir.

Q Do you recognize that you are under oath? A Yes, sir.

Q You knew of these facts before? A Why, I knew old Uncle Tom---.

Q You knew of these facts? A I knew when he come here, yes, sir.

Q When did you first tell these people about what you knew? A I never told them.

Q They just simply put you on the stand here? A No, sir, Mr. Ames ~~Adair~~ told them I was here, and they wanted me to witness for them.

Q Did Ames Adair come ~~xxx~~ here when they did? A Yes, sir/ Ames came before they did.

Q You had never seen these people before? A No, sir, we had never seed them till they come there.

Q Now, if Uncle John Baldridge testifies that in '74, that this woman, Mary Riley, was in Kansas, and had come down there, and that Tom Riley was there, and said his family was in Kansas, he hasn't told the truth, has he? A No, sir.

- Q If L. D. Daniels swears that they didn't come down before that time he didn't tell the truth, did he? A He couldn't have.
- Q How far do you live from Colbert's? A I don't think it was over half a mile.
- Q Did Tom Watie and this woman come there in a wagon? A Yes, sir.
- Q Where did they come from? A They claimed they come from Kansas.
- Q Straight from Kansas there? A That's what they said.
- Q Do you know from what town in Kansas? A No, sir.
- Q They stayed there the rest of that year? A No, sir, they fell out and left there.
- Q Where did they go? A Up on Vinegar Creek.
- Q Now if John Baldridge says that in '66, he saw Mary Riley living in Fort Scott he is mistaken, is he? A Yes, sir, unless she went back up there after she left Uncle Colbert's.
- Q How much are you getting to testify in this case? A Not a nickel.
- Q Don't you know that you never saw this woman there in '66? A Yes I saw her.
- Q You don't claim to be a citizen here, yourself? A I am adopted woman; I was raised in the states.
- Q Where did you first see them living in a house up there? A In Uncle Colbert's house.
- Q Did they keep house there at Colbert's? A They lived in the house with Uncle Colbert's and had some things in the wagon.
- Q How long did they stay there? A Till late in the fall.
- Q And went from there to Vinegar Creek? A Yes, sir.
- Q You are certain of that are you? A Yes, sir.
- Q How far was that from Colbert's? A It was four or five miles.
- Q How long after they left Colbert's was it before you saw them on Vinegar Creek? A We went to Coffeyville and saw a little tent there on Vinegar, and didn't know who it was--
- Q Was it on the road? A No, sir, it was off to one side of the road.
- Q How long did they stay there where that tent was? A I couldn't tell you.
- Q About how long? A I couldn't tell you, because we didn't go to Coffeyville very often.
- Q Did they stay a month? A I couldn't tell you.
- Q Did they stay there two months? A No response.
- Q Can't you form any estimate at all? A No, sir, what I tell you I know. I didn't pay attention.
- Q You did pay attention, though, while they were at Uncle Colbert's? A I did, because they were at our house every day.
- Q Did Uncle Colbert have a house then? A Yes, sir, a log house.
- Q Who else lived there? A No one else much; Amos Adair lived right below us in an Osage hide house.
- Q Well, after you lost them on Vinegar Creek how long was it before you saw them again? A At Vinita.
- Q How many years afterwards? A A great while.
- Q What year was it you saw them at Vinita? A When this Commission was enrolling.
- Q This present Commission? A Yes, sir.
- Q From the time you saw them on Vinegar Creek up until 1901, you never did see them? A No, sir.
- Q You don't know where they lived? A I don't know; they said they were living on Caney.
- Q You don't know how long they lived on Vinegar? A No, sir.
- Q Are any of Colbert's people living now? A Yes, sir.
- Q Who are they? A Old Aunt Susie is all.

JOHN BALDRIDGE, re-called for the purpose of additional cross-examination, testified as follows:

By Mr. Hastings:

Q You were running around all over the country in '66, weren't you?

A Yes, sir, I was a soldier and scout at that time and was a soldier nine months right here.

Q Were you on Grand River any in '66? A Yes, sir.

Q Were you in Fort Scott in '66? A Yes, sir.

Q On Snow Creek? A Yes, sir.

Q Were you up there about Colbert's in '66? A Old man Colbert's?

Q Yes, A No, I don't remember; at that time I was up there along latter part of the year of '66, but we were on the scout and never stopped.

Q Were you up in there during that fall of '66? A Went through time and again.

Q You never saw Tom Riley anywhere, except what you have already testified to? A That's all.

Q Were you on Vinegar Creek? A Been through, but never stopped.

Q You never saw him? A No, sir.

Q Never heard of him? A No, sir, I was in the government service--

Q Now, about what time of the fall of '66 did you see Mary Ann Riley in Fort Scott, Kansas? A It was along, I couldn't just say, about the middle of the fall, early in the fall. I couldn't just exactly be positive.

Q Did she say where her husband was? A No.

Q Did you ask her? A No.

Q Did she say what she was doing? A No.

Q She didn't say who she was working for? A No, they called him Tom Ridge, or Tom Watie and Riley.

MARIAH FRENCH, re-called for the purpose of additional cross-examination, testified as follows:

By Mr. Hastings:

Q Your name is Mariah French? A Yes, sir.

Q Now, you are certain that you know these people at Colbert's?

A Yes, sir, I knew them at Uncle Colbert's.

Q You say they moved from there in the fall up on Vinegar Creek?

A Yes, sir, late in the fall.

Q On which side of the road when you went to Coffeyville did you see their tent. A On the right hand side.

Q You are positive? A Yes, sir.

Q How many times did you see this tent there, going backwards and forwards to Coffeyville? A I hardly ever went to Coffeyville.

Q But you know that it was on these trips that you saw this tent?

A Yes, sir.

Q Did you go out to it? A Yes, sir, one time my father drove out to it.

By Mr. Van Hoy:

Q You say you were the first settlers on Snow Creek? A Yes, sir.

Q Near what town is Snow Creek? A Near Coffeyville; Coffeyville was the nearest then.

Q Which is nearest now? A Coffeyville is nearest now.

Q Who was the next family to come in after you? A Ames Adair.

Q Who next? A The Colberts.

Q Do you remember the Albertys? A They come in afterwards.

Q Were there any Indians? A Yes, sir.

Q What tribe? A Osages.

Q What did you people do for a living? A We raised corn and stuff.

Q Do you think you know all the colored people that come in after the war? A We paid particular attention; there was none there.

Q Did you see your father? A Yes, sir.

Q Who was your father? A Steve Little.

Q Did Amos Adair bring his family? A Yes, sir.

Q How much family did he have? A Two children and two women.

Q Do you remember how many in the family of Uncle Colbert? A Himself, wife and one little boy they called Johnnie, they were raising.

Q Tell me how far Amos Adair's house was from yours? A Can't tell you exactly. We lived on the west prong of Snow Creek and he lived on the East side across the creek.

Q On which side of the Verdigris was Susan Colbert's house? A Just above on the west side of the lake.

Q Which side of the Verdigris River were you on? A On the west side.

Q It made a horseshoe bend? A Yes, sir.

Q Did you have to cross it? A Yes, sir, there was a big lake between us and Uncle Colbert and Colbert lived across that lake.

Q Is that lake on the East side of the Verdigris River? A On the east side if you are on this side, but we are on the West side.

By Mr. Hastings:

Q Who did you trade with at Coffeyville, can you recollect? A Yes, sir, I can recollect.

Q Who had a store there? A We used to trade with Wells and brothers.

Q And they had a store there at the same time you mention seeing this tent? A They had a store then in what's called Old Parker; Coffeyville wasn't a town then.

Q You are testifying about going to Coffeyville? A It was called Coffeyville; Old Colonel Coffey did more trading than anyone.

Q They had a store there at that time? A Yes, sir, old Parker aint a town now.

Q Was there a town called Coffeyville at the time? A Yes,, it was named Coffeyville, and that's what we called Coffeyville.

Q Do they call it Coffeyville? A They called it Coffeyville after old Col. Coffey.

Q Is it where Coffeyville is now? A Yes, sir.

Q That is where you saw these people when you were passing along?

A Yes, sir.

Commission:

Upon request of the attorneys for the applicants, and the Cherokee Nation, this case is continued, for the introduction of further testimony.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this the 8th day of April, 1904.

Charles H. Sawyer

Notary Public.

PAID

NO. 1000 TO FIVE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 14, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY A. RILEY ET AL., as Cherokee freedmen.

It appears that on October 14, 1904, the attorneys for the applicants and the attorneys for the Cherokee Nation were duly notified that on November 14, 1904, the applicants would be permitted to appear before the Commission and submit further testimony in the above entitled case.

APPEARANCES:

Applicants by their attorneys, Hutchings, Murphy & Veasey.
Cherokee Nation by its representative, W. W. Hastings.

JOSEPH SMITH, being first duly sworn, testified as follows:

BY MR. VEASEY:

Q What is your name? A Joseph Smith.

Q How old are you? A '66.

Q What is your present post office address? A Coffeyville, Kansas.

Q How long have you been living in Coffeyville? A Every since 1872.

Q Where did you live previously to that? A Lawrence, Kansas.

Q For what length of time did you live there? A About 3 years.

Q Are you acquainted with Mary A. Riley who is one of the applicants for citizenship in this case? A I am.

Q Were you acquainted with her in Lawrence, Kansas, during the time you was there? A Yes sir.

Q Were you acquainted with Tom Riley or Ridge? A Yes sir.

Q Did he bear any relationship to that woman? A Her husband.

Q When did you first become acquainted with Tom Ridge or Riley?

A Along in '64.

Q He was then in Lawrence, Kansas? A Yes sir.

Q Did you know his wife also at that time? A Yes sir.

Q Could you state to the Commission how long he remained in Lawrence, Kansas, after '64 after your first acquaintance with him?

A He was there in '65, part of '65 and I saw him again along in '66.

Q Were your relations with him of an intimate kind? A In the church.

Q What is your profession? A Preacher.

Q Of what church? A Baptist church.

Q Was he, Tom Riley, a member of the church you was? A Yes sir.

Q During the time that you knew him in 1865 or 1866 did he ever state to you that he intended to return to the Indian Territory?

Mr. Hastings: Objected to by the counsel for the Cherokee Nation because the same is a declaration in interest and is hearsay and is therefore inadmissible.

Commission: Objection noted, witness will answer.

A Yes sir.

Q You may state to the Commission his exact language? A He claimed to be a citizen of the Cherokee Nation, his home was here and he left sometime in '65 and said he was coming to the Cherokee Nation. He come back sometime in '65 along in the fall sometime and he left again sometime in the fall of '66.

- Q How long did you remain in Lawrence after the fall of 1866? A I remained in Lawrence until 1872.
- Q During the time you was in Lawrence, from the fall of 1866 to your going to Coffeyville, did you see Tom Riley on any other occasion? A No sir.
- Q During that time did his wife and such children as they had at the time remain in Lawrence? A Yes sir.
- Q Did you during the time of his absence inquire as to his whereabouts from the members of his family? A Several times.
- Q What statements did they make to you in that regard?
- Mr. Hastings: Objected to as a declaration in interest and heresy, and therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A They said he was supposed to be in the Territory, yes sir.
- Q Did you see Tom Riley at any time after you moved to Coffeyville?
- A Yes sir.
- Q Where? A Place called Gooseneck Bend at his sisters.
- Q Where is Gooseneck Bend? A About twelve miles south of Coffeyville.
- Q In the Indian Territory? A Yes sir.
- Q Could you tell the Commission what year that was? A I think I can, it was in '74.
- Q Did you see him any time subsequent to that? A Yes sir.
- Q Where and when? A In Gooseneck Bend at different times.
- Q Did you ever see him after this occasion you have mentioned?
- A Yes sir.
- Q State when and where? A Bartlesville.
- Q When did you first see him at Bartlesville? A That must have been along in '78 or '79.
- Q Did he have his family with him then? A Yes sir.
- Q His wife was this Mary A. Riley the applicant in this case? A Yes sir.
- Q When you saw him then had they improved a place at that point?
- A Yes sir, a little place there.
- Q Did you know where his family lives now? A Yes sir.
- Q Is that the same place he had improved in 1878 or 1879? A Yes sir.
- Q Do you know where he died? A Yes sir.
- Q When? A In 1895.
- Q You know as a matter of fact that his family is still living on the place they improved in 1879 near Bartlesville? A Yes sir.
- Q Where did he die? A At Bartlesville.
- Q On this place? A Yes sir.
- Q Were these people ever a member of the church that you had charge of? A Yes sir.
- Q Where was that? A Gooseneck Bend.
- Q Were there any rules which the church had in regard to the membership of the church? A Yes sir.
- Q As regard their being married? A Yes sir.
- Q What was that rule? A We didn't accept any except those supposed to be married according to law.
- Q When these people were in Lawrence, Kansas, did Tom Riley hold this woman out to be his wife? A Yes sir.
- Q He did that to you? A Yes sir.
- Q And they lived together as husband and wife? A Yes sir.
- Q Was that the case at Gooseneck Bend? A Yes sir.
- Q And likewise true when they were at Bartlesville? A Yes sir.

- Q Did you baptize these people? A I did.
Q At what place? A Gooseneck Bend.
Q Same church they were members of? A Yes sir.
Q When was that? A I think it was along about '77 or '78, Tom Bushyhead and them were running for Chief.
Q Just shortly before the moved to Bartlesville? A They were living at Bartlesville when I baptized them.
- BY MR. HASTINGS:
Q What was Tom Riley's wife's name? A Mary.
Q Do you know Mary Hazelrig? A I do.
Q Is she their daughter? A I guess she is she used to be their child.
Q You knew her in Lawrence, Kansas? A I didn't, I knew they had some children is all.
Q Did you know Tom Riley's wife in Lawrence? A I did.
Q You knew her name? A Yes sir.
Q Do you know whether they called Mary Hazelrig "Sis" in Lawrence or not? A I don't know.
Q Did you know a boy of theirs they called "Bony"? A I did.
Q He is the same one they called Allen? A I don't know about that.
Q Bony was just a nickname? A I don't know about that.
Q Did you know a boy they had by the name of Joe? A Yes sir.
Q Where were they living when you first knew them? A In Lawrence on the north side of the river.
Q Of Kaw River? A On the west side of the river.
Q How far from Lawrence? A In Lawrence.
Q Right in the town? A Right in it, yes sir.
Q Did you know a white woman up there by the name of Mrs. Mary E/ Archer? A No sir.
Q Did you know a man there by the name of W. R. Smith? A No sir.
Q Did you know a colored woman up there by the name of Rachel Ware in Lawrence? A No sir.
Q Did you know a colored man by the name of Peter Jenkins? A Yes sir.
Q How far was Tom Riley living from Peter Jenkins when you knew them? A I don't know where Jenkins lived.
Q On what street did Tom Riley live? A I don't know any of the streets.
Q Were you ever at Tom Riley's house? A Yes sir.
Q What kind of a house? A Common little shack.
Q Don't know what street? A No sir.
Q In north or south Lawrence? A South Lawrence.
Q He had some children there at the time, did he? A Yes sir.
Q You never saw him himself down here in 1874? A 1874.
Q That is the first time you ever saw Tom Riley in the Territory? A Yes sir.
Q His family was still living in Lawrence? A Certainly.
Q They had continued to live in Lawrence from 1864 or 1865? A Yes sir.
Q And his family was living there when you left in 1872? A Yes sir.
Q Did you have occasion to visit his family after you missed Tom up there up until the time you left there in 1872? A No sir, I just met them.
Q Just like you did of her people around there in town? A Yes sir.
Q And you saw them frequently until you left in 1872? A Yes sir.
Q And you never saw any of the members of his family down here until 1879 out about Bartlesville? A Yes sir.
Q But you saw Tom himself here in 1874? A Yes sir.

- Q But you didn't see the members of his family about that time?
A Only his boy Joe.
- Q But the family came down in 1870? A About that time.
- Q You inquired of him where his family was and he told you in Lawrence? A Yes sir.
- Q You know where Hazelrig married this woman? A No sir, I don't.
- Q Were you called up there in 1873 when they were married in Lawrence? A No sir.
- Q Didn't Tom ever tell you at any of these times that his daughter Mary had married George Hazelrig in Lawrence? A No sir.
- Q Did you know George Hazelrig up there? A I did.
- Q He was a state man? A I don't know.
- Q Was he a Cherokee darkey? A I don't know, he might have been.
- Q You never heard him say anything about coming down here? A No sir.
- Q Tom and his wife owned a home there? A I don't know about that.
- Q Did they continue to occupy this same house all the time that you knew her there? A I don't know, so far as I know they did.
- Q You don't know where this man Jenkins lived? A I think he lived in what they called north Lawrence.
- Q That was near where Tom Riley lived? A He lived on the south side.
- Q Did you know a colored man by the name of John Williams? A No sir.
- Q Did you know a colored man by the name of Andrew Garrett? A No sir.
- Q A minister by the name of Charles W. Garrett? A No sir.
- Q What was Tom doing up there for a living between 1864 and 1874?
A I couldn't tell you, travelling about the best he could.
- Q You saw him there practically all of the time all up until 1872 at the time you left? A No sir.
- Q You didn't see him in 1868, '69 and '70? A No sir.
- Q You were never over at his house were you? A No sir.
- Q How far did you live from them? A I suppose about a quarter.
- Q What was Tom doing up there before he left? A He wasn't much of a hand to work, his wife did most of the work.
- Q He and his family spent a good part of the time in jail didn't they? A I never heard of them being in jail in my life.
- BY MR. VEASEY:
- Q How old was Tom Riley at the time you first knew him? A I suppose 40 some odd.
- Q You saw you met him at Gooseneck Bend sometime in 1874 or 1875?
A Yes sir.
- Q What, if anything, did he say about his family? A
Mr. Hastings: Objected to because it would be a declaration in interest and hearsay and inadmissible.
- Commission: Objection noted, witness will answer.
- A He desired to get his family to him and I think he was trying to get some of his friends to help him get his family here.
- Q Did he have any improvements at that time? A No sir not that I know of.
- Q Did you ever have any conversation with the wife of Tom Riley relative to her coming to the Territory while he was in Lawrence?
Mr. Hastings: Objected to as hearsay and a declaration in interest and inadmissible.
- Commission: Objection noted, witness will answer.
- A Never heard her say anything about it.

BY MR. HASTINGS:

- Q You are not a citizen of the Cherokee Nation? A No sir.
Q You are a colored man living in Coffeyville? A Yes sir.
Q You never did live in the Cherokee Nation? A Yes sir.
Q When? A Long about '74.
Q Where were you living at that time? A At the mouth of Possim Creek in the Cherokee Nation.
Q How long did you live there? A About a year and a half.
Q That is all you ever lived in the Cherokee Nation? A Yes sir.

BY THE COMMISSION:

- Q When did you first begin living in Lawrence? A I moved into Lawrence in the Christmas about the first of January of 1863, I first went to Lawrence in the fall of '62.
Q Did you get acquainted with Tom Riley and his wife when you first went there? A No not for a few months after I got there.
Q You don't know where Tom Riley went when he left Lawrence, Kansas, in 1865 or 1866? A No sir.
Q The first time you saw Tom Riley in the Cherokee Nation was about 1870 what? A About 1874.
Q Prior to that time you don't know where he went? A No sir.
Q Do you mean to tell the Commission that the family of Tom Riley, including his wife, Mary A. and the daughter, now Mary Hazelrig, the same children lived in Lawrence, Kansas, continuously from 1863 up until you left there in 1872? A Yes sir.
Q That is a fact? A Yes sir.
Q Those parties never came to the Cherokee Nation until after you left Lawrence? A Not to my knowing.
Q Would you have known it if they had come? A I think so.
Q You knew as a matter of common knowledge that they were residents of Lawrence while you were there? A Yes sir.
Q Had a home there, house and lived there? A Yes sir.
Q When was the last time you saw Tom Riley in Lawrence, Kansas? A Along in 1866.
Q What time in the year? A It was along in August, 1866.
Q What aged woman was this Mary Hazelrig? A I suppose she was just a---I didn't know her at that time.
Q Can you name the family? A Only Joe and Bony and another boy.
Q Name those you do know beginning with Tom and his wife? A Tom and his wife Mary, Joe and Bony and another boy I can't remember his name.
Q Were those children small when you knew them? A Yes sir.
Q You say these boys live near Bartlesville now? A Yes sir.
Q In the Cherokee Nation? A Yessir.

BY MR. VRASEY:

- Q You don't mean all of the parties you named live near Bartlesville?
A The old man and Joe and Bony are all dead.
Q You know that Mary A. Riley lives at Bartlesville? A Yes sir.
Q Do you know whether any member of his family accompanied Tom to the Territory in the fall of 1866? A I think Joe and one more boy come with him, Joe come with him and never went back.
Q Joe was his son? A Yes sir.
Q He is the one that has died since? A Yes sir.
Q When did you come to Lawrence first? A Came into Lawrence in the fall of '62.
Q Did the Rileys come there after that? A Yes sir after I come.
Q What were the circumstances under which they came there? A The poor circumstances, they were very much in need.

Q Were they brought there by soldiers or otherwise? A No sir, come there on their own accord.

Q When you were living at the mouth of Possum Creek did you know anything about improvements that Tom Riley was supposed to have in that neighborhood?

Mr. Hastings: Objected to as being leading.

Commission: Objection noted, witness will answer.

A Yes sir.

Q Do you know where it was? A Yes sir.

Q State to the Commission where it was? A About a mile west of the mouth of Possum Creek.

Q You learned that in 1874?

Mr. Hastings: Objected to as being leading.

Commission: Objection noted, witness will answer.

A Yes sir.

BY MR. HASTINGS:

Q What became of that improvement? A Rotted down.

Q Went back to the public domain? A No sir, somebody around there-----

Q He never had anything but a cabin? A Had a cabin there.

Q Never lived in it? A I don't know.

Q Never improved it? A I don't know there was a little spot there, I don't know who did it.

JOHN J. ROSE, being first duly sworn, testified as follows:

BY MR. VEASEY:

Q What is your name? A John J. Rose.

Q What is your age? A About 58.

Q Where do you live? A Tahlequah.

Q Were you acquainted with Tom Riley or Ridge during his life time?

A Yes sir.

Q Where were you living during the years of 1865 and 1866? A The latter part of '65 I went to Kansas, Leavenworth about three weeks and the rest of the time at Lawrence.

Q Where did you meet Tom Riley? A In Lawrence.

Q Had you ever known him previously? A No sir.

Q When did you meet him? A Between the first and 10th of November '65.

Q How long did you continue to live in Lawrence or in the neighborhood? A About three years.

Q Did Tom Riley continue to live there during that length of time?

A No sir he wasn't there all of the time, I seed Riley in November when I come out of the army, there was quite a number of Cherokee freedmen in the same regiment, 32 in the same company I was in, and we left Leavenworth intending to come back to the Cherokee Nation and I was sick at the time and the convenience of travelling was so bad I stopped at Lawrence and there was a general jubilee in the camp there at that time and that is where I saw old man Tom Ridge in the camp. I was there I guess about two weeks then I left that camp in north Lawrence.

Q Did you meet his wife at the same time? A If I did I didn't know her.

Q You say he lived in Lawrence during the entire time you were there? A Yes sir he was among the refugees.

- Q Was he in Lawrence during the three years you remained there after 1865? A No sir not to my knowledge, the next time I saw Tom was in February the following year may be in March.
- Q Of 1866? A Yes sir to the best of my recollection.
- Q When did you see him next after February or March of 1866? A Next time was down here in the nation.
- Q When was that? A That was I think in '73.
- Q Do you remember about the time he left Lawrence? A He left Lawrence with the boys, they stayed there about three weeks and he come with them. There was Israel Johnson and Jack Nelson and Ike Rogers, they were the boys in the army and besides there was several others, I couldn't call the names now.
- Q Do you know that he went back to the nation or is that heresay? A They all come on south and I thought that they come here. I found him here but I didn't come with him.
- Q Did you see him any time from the fall of 1866 forward while you was at Lawrence? A No sir.
- Q The next time that you saw him was in 1873 in the nation? A Yes sir.
- Q Where was that? A On California Creek, on yhr creek there, he stayed all night there.
- Q Did you become acquainted with his family at the time you was at Lawrence? A No sir.
- Q When did you first become acquainted with Mary A. Riley, one of the applicants in this case? A It was along perhaps in '74 or '75, I couldn't just say what year but it was something like that when I met this Mary Riley near Bartlesville where she now lives.
- Q You say that was in 1874 or 1875? A Somewhere along there, I couldn't say exactly.
- Q Had they made a place in that neighborhood? A At the time I was acquainted with them they were living on Bartles place where he had a saw mill near the mouth of Snow Creek.
- Q Do you have personal knowledge of their having made a place since that time? A Yes sir.
- Q Do you know where Mary A. Riley lives now? A Yes sir.
- Q Is that the place they first made? A Yes sir that is the only one that I knowed of their making down there.
- Q Do you know any circumstance which induced Tom Riley to leave Lawrence and come to the Territory at the time he did? A The only circumstance that I knowed, the soldiers coming back home he wanted to come back with them to the Cherokee Nation.
- Q At that time did the freedmen who were in Lawrence know of the adoption of the Treaty? A The Treaty wasn't adopted at that time in February, Tom Riley was talking about what they were going to do for they said they were coming back, they were going to take them back and give them rights same as Cherokees.
- Q That was the last time you saw him, in February or March of 1866? A Yes sir.
- Q Before Riley started for the Territory what, if anything, did you hear him say in regard to his residence where he was going to and what for?
- Mr. Hastings: Objected to as heresay, and a declaration in interest and therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A I didn't see him, was just going back home that is all, he was talking to them boys, he knowed them and didn't know me.
- Q Did he tell you for what purpose he was going back home? A He just says I a going with you. I had give up going, they were talking there in the camp and he come with the rest of the boys, he left there with them coming south.
- Q Do you have personal knowledge of those soldiers who started actually reaching the Territory? A I seen them since.

- Q The same ones that were in the party that he started with? A Yes sir.
- Q Have you knowledge of their being enrolled as citizens since then, any of those that were in the party with him? A No the persons that come with him have been killed and died out before they got to this roll business, they have been enrolled on other rolls.
- Q How about their descendants? A I don't know whether their cases are settled or not.
- Q When you met Tom Riley in the Territory in 1873 did you have any conversation with him with reference to bringing his family back? A Yes sir he stayed all night and we talked about that trouble.
- Q State to the Commission what he told you? A At the time he was talking to me he said he was going to bring his family here, he didn't want to be going backwards and forwards to Kansas, it was to far, at that time there was several families coming in. From the best I could learn his wife was contrary toward coming back here. They made it so hard for her before they got out of here that she didn't want to come back.

BY MR. HASTINGS:

- Q You are a colored applicant for citizenship in the Cherokee Nation? A I am a colored man after a white man's rights.
- Q You are an applicant to be enrolled as an inter married citizen? A Yes sir.
- Q Your first wife was also on a doubtful card was she? A Yes sir.
- Q What was your first wife's name? A Emily Dannenberg.
- Q You met her in Lawrence? A Yes sir.
- Q You married her in Lawrence didn't you? A Yes sir.
- Q What year? A '67.
- Q You belong to a freedmen protective association don't you? A No sir.
- Q Didn't you ever belong to a freedmen association? A No sir.
- Q Never did at any kind? A That aint got anything to do with this case.
- Q Did you belong to them? A No sir.
- Q Have you ever belonged to them? A No sir.
- Q You never have in the last 4 or 5 years belonged to any freedmen organization? A No sir.
- Q Who is the President of that organization? A What organization.
- Q That Freedmen Organization? A I don't know anything about it, I have heard lots of time about it but I don't know anything about that.
- Q You never saw Tom Riley in the Cherokee Nation until 1873 or 1874? A Somewhere about that time, yes sir.
- Q That is the first time you have any personal knowledge of his being here? A Yes sir the first time.
- Q Were you ever at his home at Lawrence in 1865 or 1866? A No sir.
- Q Would you ever see his wife in Lawrence in 1865 or 1866? A If I did I didn't know it.
- Q Did you ever see George Hazelrig's wife, now Mary Hazelrig in Lawrence? A Not that I know of.
- Q You saw Tom Riley in 1866, in February, 1866, did you ever afterwards see him in Lawrence? A No sir not to my knowledge.
- Q And you never saw him again until you saw him in 1873? A Here at California Creek.

- Q When was the first time you ever saw his wife? A That is the time I mentioned, somewhere along in '74 or '75 I disremember what time it was.
- Q Were you at their house at that time? A I was at the house they were living in.
- Q Where was that house from Bartlesville now? A Down on the river close to where that wire bridge is on the west side of the river.
- Q How far from Bartlesville? A About two miles.
- Q Did they have other children with them then? A They had one they called Joe that is dead now.
- Q Was Allen or Bony with them? A I don't remember.
- Q Was Mary Hazelrig with them? A I think not she may have been.
- Q That is the first time you ever saw Mary Hazelrig? A I don't remember.
- Q Was she married to George when you first saw her? A I think so.
- Q How many children did she have? A I don't know.
- Q You don't remember when you first saw her? A Somewheres along right after the time that I mentioned to you that I knew the old man on Caney River.
- Q You think that was when Bushthead was running for Chief? A It might have been, I couldn't say.
- Q What is it you fix this date by? A What date.
- Q At the time you say you fix that by Bushthead's chieftancy?
- A No sir.
- Q Why do you think it was 1874 or 1875? A Because I just left work on the Caney River and that was when I found these women folks.
- Q Did they move from Lawrence down there? A I don't know.
- Q Didn't you hear them say? A No sir.
- Q Did they and Tom come together or who come first? A I saw Tom before I saw the family.
- Q Did you see the Hazelrigs when they come there? A I seed them there.
- Q The first you noticed was George there with his wife, was he?
- A George was there and his wife was there, I don't know whether they come together.
- Q How many children did they have when you first saw them? A I don't know.
- Q Do you know they had any? A There was some children there.
- Q Do you know whether Tom Riley had another girl besides this Mary Hazelrig or not? A I think so.
- Q What was her name? A Julia I believe.
- Q Was she there with them? A Lotright there at that house she was then living in a house that belongs to Whiteturkey now, she was working there.
- Q She wasn't married? A Julia wasn't then, since then she married Musgroves.

STEVEN LITTLE, being first duly sworn, testified as follows:

BY MR. VRASEY:

- Q What is your name? A Steven Little.
- Q How old are you? A I am 80 years old.
- Q Where do you live now? A About two and a half miles north east of Lenapah.
- Q Where was you in the year 1866? A On Snow Creek.
- Q Is Snow Creek in the Cherokee Nation? A Yes sir.
- Q How do you know that you was on Snow Creek in the Cherokee Nation in 1866? A The Gauges told me that was the Cherokee Nation.

- Q How do you know it was the year 1866? A Cause I just got out of the army and I come down there to take care of some cattle for Irving and Jackman.
- Q Down in the Territory? A Yes sir to take care of 180 head of cattle for Irving and Jackman down on the Caney at Woodruff crossing.
- Q What time of the year was it that you came to the Territory? A I think April 3rd.
- Q In 1866? A Yes sir.
- Q Did you know Tom Riley in his life time? A I did.
- Q Did you see Tom Riley in 1866? A I seed him there and hoped he build a house.
- Q Where did you see him? A At my house.
- Q On Snow Creek? A Yes sir at my house on Snow Creek.
- Q What time of the year? A It was near about this time may be a little before, but it was going into autumn of the year.
- Q Tell the Commission about helping him build a house? A He come there to my house and he had two badger hides and my boy wanted badger hides and he cut the logs and he told my boy if he would haul the logs together to that to build a house, he would let him have the badger hides, and he took the oxen and drag the logs and about 4 or 5 or 6 days is when we went there to put up a cabin.
- Q Who put it up? A I, myself, Amos Adair, and myself and him.
- Q Who is him? A Tom Ridge.
- Q Is Tom Ridge the same as Tom Riley? A Yes sir.
- Q The same man? A They come to me about Tom Riley and I didn't know anything about him.
- Q What sort of a house did you put up for him? A A round log house about 12 by 14.
- Q How many rooms? A One.
- Q What sort of a roof did it have? A Board roof, I made the boards.
- Q Did you talk to Tom Riley as to why he was building the house there? A Yes sir.
- Q What did he say? A To take a claim there to bring his family.
- Q Did he tell you where his family was? A He said they were in Kansas, I heard him say that lots of time but I don't know what town it was.
- Q How long did you know Tom Riley after that? A After that I knowed him about ten years.
- Q Did he have a fixed place of living or did he move about? A He went from place to place hunting and trapping.
- Q You say he did a lot of hunting? A Yes sir.
- Q Where did you see him ten years later? A He come to my house going to his sister's.
- Q Who was his sister? A Aunt Grannie Vann.
- Q Where did she live? A Right across the road from me, the Jess Vann place.
- Q Was this in the Indian Territory? A Yes sir.
- Q You have never lived out of the Indian Territory since? A No sir not since I come in it.
- Q Did you see Tom Riley at any time during these ten years? A I don't think I did, I had forgot him when he come to my house and he asked me if I didn't recollect him and I did and he told me then where he had a place at.
- Q Where was he living? A On Caney he said.

BY MR. HASTINGS:

Q How long did you see him about your place in the fall of 1866?

A He was there off and on, he would come and go to where he made a cabin.

Q Did he stay there a week? A No sir not at my house.

Q I mean in the neighborhood? A Yes sir, he stayed there a month.

Q Then he left the cabin did he? A He left that cabin and I never seen him any more.

Q For about ten years? A Yes sir and he come to my place again.

Q That cabin rotted down there did it? A I couldn't tell you that.

Q Did you live right near there? A I lived near there.

Q About how far from where this cabin was built? A About two miles.

Q You never knew of Tom Riley living in this cabin after he left there did you? A No sir.

Q The cabin rotted down did it? A I think Lane--it was tore down and made a corn crib.

Q You have a daughter by the name of Mariah French, haven't you?

A I have.

Q And she is an applicant for citizenship? A I don't know.

Q Is Agnes Little any kin to you? A She is a daughter-in-law of mine.

Q She is an applicant for freedman citizenship? A I suppose she is an freedman.

Q You are a colored man? A Yes sir.

Q You never saw Tom Riley except that one time as you claim about a month in the fall of 1866 for about ten years? A Yes sir.

Q You never did see his family in the Cherokee Nation or any members of it except he himself? A No sir.

Q He didn't have any of his boys with him at that time? A No sir.

Q He told you his family was in Lawrence, Kansas, when you first saw him there? A I don't know that it was Lawrence, but it was in Kansas somewhere.

BY MR. VEASEY:

Q Did you continued to live where you first made your place for ten years? A I didn't live there ten years, I lived there about eight years.

Q Then where did you move? A I moved on the Neosho and stayed there four years.

Q Was that where you saw Tom Riley? A No sir that was at my old place on the Verdigris.

ALEX BOUDINOT, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Alex Boudinot.

Q How old are you? A I think I am on the roll about 36.

Q What is your post office address? A Nevada.

BY MR. VEASEY:

Q Where was you living in 1865 or 1866? A In '66 I was in Gibson.

Q Was you acquainted with Tom Riley or Ridge during his lifetime?

A Yes sir, I knowed him good.

Q Did you see him during the year 1866, if so where? A I seen him in Fort Gibson.

- Q What time, during the year 1866? A It was along close to Christmas when I seen him there.
- Q How long did he stay in Fort Gibson? A He was there a good while in Fort Gibson, he would go away and come back, he didn't stay there all the time, he was there off and on.
- Q Did you live with him, how did you know about his whereabouts? A He lived with me at Spring Creek? A
- Q Did he live with you at Fort Gibson? A No sir.
- Q When did he live with you on Spring Creek? A I can't call the dates of the years, I think it was along in February in '70.
- Q How far is Spring Creek from Fort Gibson? A I think about thirty miles.
- Q Can you tell when you moved up on Spring Creek? A I left Gibson in '70 and went to Spring Creek.
- Q During the time from 1866 when you first saw Tom Ridge until 1870 when you went upon Spring Creek did you see him during these four years? A Yes sir, Often and on all the time, he would come and stay awhile and then would go away.
- Q Do you know where he went? A No sir.
- Q Did he have any members of his family with him? A He had his son Joe with him.
- Q When you saw him in 1866 did you have any conversation with him regarding his making the Indian Territory his home?
- Mr. Hastings: Objected to as heresay and a declaration in interest and therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A Yes sir.
- Q What did he say about it? A Said he had come home to live.
- Q Do you know anything about his owning an improvement in the nation any place? A He had a place upon Possum Creek.
- Q Did you ever see the place? A Yes sir, he just had a little log cabin.
- Q How many rooms to it? A Just one.
- Q When did you first see that? A I seen that, I went to Gooseneck Bend in '73, I believe it was.
- Q Was Tom Ridge or Riley with you then? A No sir he wasn't, we built and when they moved the family up there he come.
- Q You at one time lived at Gooseneck? A Yes sir.
- Q And you say he come there after you moved there? A Yes sir and stayed with us, he would come up and go off and I don't know where he went, he would be gone a week or a month.
- Q Who did he live with on Spring Creek in 1870? A With me and his sister Granny Nan.
- Q You say the first time you saw that cabin was in 1873? A Yes sir.
- Q About how old did it appear to be? A It was such an old cabin.
- Q The Fort Gibson you refer to in your testimony is the Fort Gibson, Indian Territory? A Yes sir.
- Q That is where you first saw him? A Yes sir.
- Q That was in December, 1866? A Yes sir, close to Christmas, I don't know dates.

BY MR. HASTINGS:

- Q You say you don't know dates very well? A No sir.
- Q What year did they make the Burn-Clifton payment? A I can't tell you.
- Q What year did they make the Wallace roll? A I can't tell you that date either.
- Q What year did the Daves Commission commence making the roll, what year did you appear before the Daves Commission to be enrolled? A Last year when they were at Kountze.

- Q Last year? A If it was, I don't know the dates.
- Q I was asking you if you knew the date? A I don't know the date, I couldn't keep it.
- Q It is difficult for you to know one year from the other? A I know one year, but I don't know the dates.
- Q What kin, if any, are you to Tom Riley? A Not any.
- Q You say this cabin looked like a new cabin when you saw it in 1873? A I said it was old.
- Q About how old did it look? A It must have been built about eight months I guess, it wasn't old like logs get when it is built three or four years.
- Q That is when you saw it in 1873? A Yes sir, when we moved up to Gooseneck.
- Q Wasn't anybody living in that cabin? A Not when I first went.
- Q You never saw Tom Riley live in it? A No sir.
- Q You never saw his wife or children live in it? A No sir.
- Q Are you married? A Yes sir.
- Q What year did you marry in? A I married about seven years ago.
- Q Do you know what year you married in? A Time of the payment at Gibson, I don't know the dates.
- Q Have you any children? A One.
- Q What year was it born in? A He is five years old.
- Q What year was he born in? A I tell you I couldn't tell the dates.
- Q You aren't very good on telling dates? A No sir.
- Q When was the first time you ever saw Tom Riley's wife living in the Cherokee Nation after the war? A The first time I ever seen her I was working in Bartlesville when she come home, I don't know the dates of the week or months, but when I come home she was at my home.
- Q What year was that? A I told you I couldn't call the years.
- Q What year did you come home from Bartlesville? A I can't tell you.
- Q You don't know the years? A No sir.
- Q But you saw her at your place? A Yes sir.
- Q Did she have some children there? A Yes sir one or two.
- Q What were their names? A Dog if I know what their names was.
- Q Don't remember even the names of the children? A No sir, cause I didn't stay around there, I was working at Bartlesville and come home and stay two nights and went back.
- Q You don't know the year that was? A No sir.
- Q Is Tom Riley living or dead? A I think he is dead.
- Q What year did he die? A That is something again I can't tell you.
- Q You heard of his death? A I heard he was dead.
- Q But you don't know the date? A No sir.
- Q You are not very good on the dates of the years? A No sir.
- Q Did Mary Riley have a girl when they come there? A Yes sir.
- Q Was the girl married? A When they come down there that girl had two or three children.
- Q When you was working at Bartlesville and come home, you found Tom Riley's wife and daughter who had married there? A Yes sir she had two or three children.
- Q Was George Hazelrig along with them? A No sir he wasn't with them, just them women there at that time.
- Q They were direct from Kansas then? A I guess so, I don't know.
- Q How old was Mary Hazelrig's oldest child at that time? A About four or five years old.
- Q The next one? A The next one must have been three.
- Q And the next, a baby? A Yes sir.
- Q She had three then at that time? A Yes sir.

- Q And there is no way in the world for you to call that date?
A No sir I can't fix that date.
Q You are not good on the dates of the years? A No sir.
Q What did Tom Riley do there about Fort Gibson? A He wasn't doing anything.
Q Just living about? A Just staying around there.
Q You just saw him here and there? A Yes sir.
Q How old was this boy Joe? A He was a grown man.
Q At that time? A Yes sir, bigger man than you.
Q Was he along with his father? A Yes sir.
Q What become of Joe? A He is dead.
Q What year did he die in? A There you commence again.
Q You are not good on dates of years? A No sir I told you.
Q Where did Joe die? A At Bartlesville.
Q How long ago? A It has been a good long time.
Q Then you never saw him for a number of years after that? A I seen him oftener than that.
Q Did Tom Riley ever go back to Kansas and live with his wife?
A If he did, I didn't know it.
Q You was not there to see? A No sir.
Q You just don't know do you? A If he went back, I don't know it.
Q He might have gone back and you not know it? A Yes sir, but if he did I don't know it.

BY MR. VEASEY:

- Q Do you remember the close of the war? A I know when the war closed.
Q Where was you? A I was south with Bill Boudinot.
Q Was that in the Cherokee Nation? A In the Choctaw Nation.
Q How long after then did you go to Fort Gibson? A I come to Fort Gibson in February.
Q Of the year the war closed? A Yes sir, I was out there and this man told me I was freemand could go home and I says, I am going home.
Q Was that the February of the year the war closed or of the year afterwards? A The same year the war closed I come to Fort Gibson.
Q In February before or after the war closed? A In February after the war closed, he didn't tell me I was free until after the war closed.
Q How many months after February of that year was it before you saw Tom Riley? A I saw him in '66 pretty close to Christmas.
Q How do you know it? A We all were to Tahlequah to hear the Treaty read and it said it was in '66, we all marched down there, Ross was chief at that time.
Q You saw Tom Ridge the same year they read the Treaty in Tahlequah? A Yes sir I saw him the same year they read the Treaty.

BY MR. HASTINGS:

- Q Which Ross was chief? A Bill Ross, I knowed him good.
Q He was the chief at that time was he? A Yes sir.
Q What month of the year was it? A I don't know it has been so long, I didn't keep it.
Q And you didn't keep the date of the year? A No sir.

BY MR. VEASEY:

- Q Did you see Tom Ridge in the Indian Territory once a year after 1866 until 1873? A I seen him oftener than that.
Q Did you see him as much as once a year? A Yes sir.

- Q Did you see him every year until he moved to Gooseneck? A I see him every year until he moved to Bartlesville, his sister and another old lady they called Granny Betsy and this woman, my wife, we all stayed in the same house together.
- Q And he stayed with his sister? A Yes sir and now and then he would pick up and go off, he wouldn't tell me where he went, and then he would come back.
- Q Did he make his sister's place his home? A Yes sir until he got that home at Bartlesville.
- Q What took him away from home so much? A I don't know, I ~~know~~ never knew him to work very much.

BY THE COMMISSION:

- Q When did you first see this Mary Riley and Mary Hazelrig in the Cherokee Nation? A At Gooseneck.
- Q When since the war? A I can't tell the date, it was along sometime way late, way after the time when they were there.
- Q Eight or ten years after the Treaty? A I think it was ten years after we went up there.
- Q During all this time did you state Tom Riley was living there with you and his sister, did you know where his family was? A He said his family was in Kansas.
- Q Did you say that you saw Tom Ridge in the Cherokee Nation from about 1866 up until 1874 or 1875? A Along there some place.
- Q And he claimed his family was in Kansas? A Yes sir, he would come here and I don't know where he would go.
- Q You don't know where his family was? A No sir.
- Q And you never saw them in the Cherokee Nation until several years afterwards? A No sir, he said they were at Lawrence, Kansas.

BY MR. VRASKEY:

- Q Did he ever tell you why he didn't bring his family to the Territory? A Yes sir, he wasn't able to.
- Q Did he tell you he wasn't able to? A Yes sir, said when he got able to he was going to bring his family home.

TOM WALKER, being first duly sworn, testified as follows:

BY MR. VRASKEY:

- Q What is your name? A Tom Walker.
- Q How old are you? A 50 years old.
- Q Where do you live? A At Fort Gibson.
- Q How long have you lived there? A I have lived there about 36 years, maybe 40.
- Q Was you living there in 1866? A Yes sir.
- Q Did you know Tom Ridge or Riley during his life time? A Yes sir I knowed Tom Ridge.
- Q Did you see him in the year 1866, if so, where? A I saw him at Fort Gibson at Uncle Johnson Meggs in December, 1866, sometime in December.

BY MR. HASTINGS:

- Q What time did you see him there? A It was in the year '66.
- Q What time in the year? A In December.
- Q You never saw him until December, 1866? A That is the first time I saw him.
- Q Was you living at Fort Gibson all this time before that? A Yes sir.
- Q You had been living there all the year of 1866? A Yes sir.

- Q And you had never seen Tom Ridge there before that? A No sir.
- Q About how long did he stay there when you saw him? A A week or two.
- Q Then he left did he? A Yes sir.
- Q How many years was it until you saw him again, as much as ten years? A It must have been longer than that.
- Q Well fifteen years? A I can tell you to make you remember, I never have counted it up, it was the time that Mr. Joel Mayes runed against Benge.
- Q That was in 1891 wasn't it? A That was the next time I saw him.
- Q You saw him in December, 1866, as you claim and then didn't see him until 1891? A That is right.
- Q How near Fort Gibson did you live? A About a mile.
- Q You was in Fort Gibson frequently? A Yes sir, sometime I lived closer than that.
- Q Just directly after the war where did you live? A About a quarter of a mile.
- Q How long did you live within a quarter of a mile of Fort Gibson?
- A Until about 1870.
- Q And you never did know or see Tom Riley any more after December, 1866, until 1891? A No sir.
- Q Did Riley have any members of his family with him? A No sir, he didn't have any folks there, he was just by himself, he was Uncle Johnson Meggs uncle.
- Q His wife wasn't with him? A No sir.
- Q Where was she? A I don't know.
- Q Was she on Spring Creek? A I don't know.
- Q Was she in Kansas? A I don't know.
- Q Didn't have any children with him at all? A No sir just by himself.
- Q Did you know any of his children?? A I got acquainted with them after that.
- Q What were their names that you got acquainted with, Joe? A I knowed Joe Riley.
- Q During the war? A No sir after.
- Q When did you first see Joe after the war, did you see him before 1891? A Yes sir.
- Q How long before 1891? A I saw him when they were building that Female Seminary at Tahlequah.
- Q You mean that new Female Seminary? A Yes sir.
- Q You know that was burned down in April of 1887, don't you? A It was before that when I saw him, they built one there----
- Q You mean that colored school? A No a Cherokee school.
- Q That Female Seminary in the north part of town? A Yes sir.
- Q It was while they were building that that you saw Joe Riley?
- A Yes sir he come from Kansas, the way I understand it some man in Kansas had a contract for building it.
- Q And he come with him? A Yes sir he was a work hand.
- Q Don't you know that the old Female Seminary burned down upon Easter Sunday in April of 1887? A I remember when that burned.
- Q That was it wasn't it? A Yes sir.

BY THE COMMISSION:

- Q Have you been enrolled by this Commission? A Yes sir.
- Q Are you on the 1880 roll? A Yes sir every roll the Cherokees has got.
- Q When was it you first saw this man Tom Riley in the Cherokee Nation? A The first time I saw him was in December, 1866.
- Q You are positively of that? A Yes sir.

- Q How long do you think he remained in Fort Gibson? A About two weeks.
- Q Then what you want to testify is that you didn't see him any more until 1891? A Yes sir, I guess it was 1892, I don't remember, it was the time that Mayes runed against Benge for chief.
- Q And you don't know where he was during that time? A No sir.
- Q You never saw him during that time? A No sir.
- Q Did you ever know his family? A No sir.
- Q Never knew them at all? A No sir not then, I got acquainted with Joe Riley.
- Q Did you ever know Mary A. Riley, Tom's wife? A No sir.
- Q Did you ever know Mary Hazelrig? A No sir.

JAMES NEAL VANN, being first duly sworn, testified as follows:

BY MR. VEASKEY:

- Q State your name? A James Neal Vann.
- Q What is your age? A 47 years.
- Q What is your postoffice? A Choteau.
- Q Where was you during the war? A On Grand River.
- Q Who was you living with? A My grand mother.
- Q Who was she? A Nan Foster.
- Q Did you know Tom Ridge or Riley during his life time? A Yes sir.
- Q Did you see him during the year 1866? A Yes sir.
- Q Where and at what time of the year? A It was along sometime close to Christmas, in December.
- Q Where did you see him? A At my grand-mothers.
- Q Did you see him at any other time after December of 1866? A Yes sir.
- Q Where and when? A On Verdigris about in 1874.
- Q Had you seen him any between those two periods? A No sir.
- Q Do you know anything about his owning a place in the Cherokee Nation? A Yes sir.
- Q Where was that? A On Possum Creek.
- Q Did you ever have control or charge of that place? A Yes sir.
- Q When? A 1875 and '76.
- Q Who put you in control of it? A He did.
- Q What sort of a place was it? A A little log cabin and about eight acres in cultivation.
- Q How many rooms to the log cabin? A One.
- Q What sort of roof did it have? A Boards.
- Q Flat boards? A Yes sir.
- Q How long did you remain in control of it? A About two years.
- Q Did you turn it back to him? A No sir.
- Q What did you do with it? A I turned it over to William Woodard.
- Q Who told you to do that? A I got a letter from the old man Tom that told me to do it.
- Q Did you see him any after you had given up control of the place? A Yes sir.
- Q What year? A Every year after that until he died.
- Q Where did you first see him after you had given up that place? A There at my grand-mothers.
- Q When was that about? A '75, '76 or '78.
- Q Did he say anything about his family? A Yes sir.
- Q Did he say where they were? A Yes sir.
- Q Do you know anything about his family finally coming to the Territory? A Yes sir.

- Q When was that? A If I mistake not it was about 1878.
Q Where did they come if you know? A There to my uncle's and grand-mothers.
Q What sort of a settlement was that? A A good settlement.
Q What was it called? A Goose-neck Bend.
Q When did your grand-mother move there? A In 1873.
Q Did you move with her at that time? A No sir.
Q When did you come there? A 1874.
Q That was when you saw Tom again? A Yes sir.
Q What became of him after 1878? A They moved out on Caney.
Q Is that the place near Bartlesville? A Yes sir.
Q Where the old lady is now living? A Yes sir.
Q You know Mary A. Riley? A Yes sir.
Q Was she the woman that was said to be the wife of Tom Riley?
A Yes sir.
Q What sort of a fellow was Tom Riley, of a roving disposition?
A He travelled a right smart.
Q How old was you when you saw Tom Riley in 1866? A I don't know
I must have been 12 or 13 years old.
Q You don't know exactly? A No sir, I was big enough to drive a
team to Kansas.

BY MR. HASTINGS:

- Q What year was you born? A I don't know.
Q What year was you married? A In 1874.
Q You never saw him from 1866 until 1874? A No sir.
Q How long did you see Tom Riley in 1866? A He didn't stay at
grand-mothers very long.
Q A week? A Yes sir, I guess longer.
Q About what time of the year was that? A Along about Christmas
or before.
Q Do you know whether he went back to Kansas or not? A He went
up the river, I don't know.
Q Kansas was up that way? A Yes sir.
Q And you never saw him any more until 1874? A No sir.
Q He told your people that his family was in Kansas at the time?
A Yes sir.
Q He never had any members of his family with him? A Not at that
time.
Q When did you first see the members of his family in the Terri-
tory? A I think it was about 1878.
Q Did you see George Hazelrig and his wife? A Yes sir.
Q That was in 1878? A Yes sir.
Q The year they come from Kansas? A Yes sir.
Q How many children did Mrs. Hazelrig have then? A I think three.
Q They were born in Kansas? A Yes sir, I think so.
Q George Hazelrig was a state raised man? A Yes sir.
Q He had never been in the Territory before? A Not as I know of.
Q Their mother, Tom Riley's wife, had remained in Kansas until
1878 so far as you know? A Yes sir.
Q You turned that cabin over to William Woodard? A Yes sir.
Q What finally became of it? A The best of my understanding
George Lane got hold of it, but I don't know how.
Q Who broke out that 8 or 10 acres? A I couldn't tell you.
Q Tom Riley didn't did he? A I don't know, it was there when I
moved there.

- Q Tom wasn't there when you moved? A No sir.
Q He was in Kansas? A I don't know.
Q Didn't he write you a letter from Kansas to give this place over to Mr. Woodard? A Yes sir about 1876.
Q He wrote you from Lawrence? A Yes sir he had been there, he made a crop with my grand-mother.
Q You didn't see that? A Yes sir I did.
Q You said you didn't see him from 1868 until 1874? A Yes sir I said so, but you didn't ask me how long after that that I saw him.
Q How long was it? A He stayed there with my grand-mother in 1876 and made a garden.
Q Did he come from Kansas down there then? A I don't know.
Q Did he tell you his family was in Kansas? A Yes sir.
Q When he wrote about this place he wrote from Lawrence, Kansas, did he? A Yes sir.

BY MR. VEASEY:

- Q Do you know why he was making that crop at that place? A Yes sir
Q What was it? A For his family he said.
Q What do you mean by that? A So that when they came it would be something for them to go on.
Q Are you on the 1880 roll? A No sir.
Q Did you ever have a conversation with Tom Riley about his being on the 1880 roll? A Yes sir.

BY THE COMMISSION:

- Q Are upon any one of the rolls of this Commission? A Yes sir.
Q Has your enrollment been approved by the Secretary of the Interior? A No sir.
Q You are an applicant for citizenship here before the Commission?
A I got a straight card when they enrolled me.

The hearing of this cause was here adjourned until
November 15, 1904.

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NOVEMBER 15, 1904.

APPEARANCES:

For Applicants, Hutchings, Murphy & Vasey.
For Cherokee Nation, its attorney, W. W. Hastings.

MARY E. ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Mary E. Acher.
Q What is your post office address? A Lawrence, Kansas.
Q How old are you? A 61 last June.
Q How long have you lived in the vicinity of Lawrence, Kansas?
A Since April of 1866.

- Q Where were you living during the war, did you live in the town?
A During the war I lived in Illinois, in 1865 my father moved to Kansas the 12th day of October, he landed in Coffee County, Kansas.
- Q Is that the county in which Lawrence is situated? A No sir in the spring of 1866 we moved. April 1, 1866 we moved to Lawrence.
- Q Did you move to the town? A Yes sir, April 1, 1866.
- Q How long did you continued to live in the town? A I lived there from April 1st to October 1st and then we moved in the Delaware reservation.
- Q What was your father's name? A C. C. Coble.
- Q How long did you live upon the Delaware reservation? A I lived there from October 1, 1866 until June, 1867.
- Q Where did you move then? A Back to Lawrence.
- Q Had you married in the meantime? A Not until 1868, March 4th.
- Q How far was this Delaware reservation from Lawrence? A About four miles.
- Q Across the river? A I lived on the north side and didn't cross the river to get there.
- Q Near what river? A Kaw River, it runs right through Lawrence, and I lived on the north side.
- Q Did you know a colored man by the name of Tom Riley? A I did.
- Q Did you know his wife, Mary? A Yes sir.
- Q Where did you know them? A I knew them on the Delaware reserve, I engaged Mary Riley to do our family washing there, October last or first of November, 1866.
- Q Did they live there? A They lived on the Indian reserve, yes sir, right at the foot of Sarcoxie hill.
- Q Had you known them before? A No sir that is the first year that I saw them.
- Q Did they have any other members of the family? A They had a daughter, I remember very well they called Sis, I don't know her other name, and a son called Bony. They called the girl Sis, I was extraordinarily acquainted with the old lady because she sister belonged to us.
- Q You knew her husband? A Yes sir, I knew him.
- Q How long did you continue to know Tom Riley and his wife? A I knew them right along from the time of November 1st or October last 1866 until June, 1867, then I moved back to Lawrence and I knew no more of them until I was married and moved again on the Indian reserve.
- Q When was you married? A March 4, 1868.
- Q And then did you move back to the Delaware reserve? A I married and moved back to John Sarcoxie's house, he was the Chief of the Delawares.
- Q Did you find Tom Riley and his wife there then? A Yes sir they had moved from the little house he lived in across the road.
- Q About how far had he moved? A Not over a quarter of a mile, may be not that far, just a little ways from where I lived. Mrs. Riley was in my house on the date after I went to house keeping and I saw them from then on.
- Q Did you see the husband frequently? A Yes sir and the boy.
- Q How long did you continue to know this family after you was married? A I moved away from there March, 1870, and I didn't know anything of them after that, I lost trace of them then. I moved back to Lawrence and am living there yet.

- Q Did you see them any time after that in Lawrence? A I don't remember that I did, I don't remember.
- Q Do you know whether they had moved over to Lawrence before you left or not? A It seems to me that I left them on the reserve, I moved in the spring.
- Q Did Tom Riley live there with his wife all this time? A He did, they lived all together to the best of my knowledge.
- Q Did you ever miss him from his family any length of time? A No sir I never heard of it if he went away.
- Q You say the woman did your family washing? A Yes sir did my father's family.
- Q Did they wash for you after you was married? A Yes sir, one time, she washed some bed clothes for me after I married.
- Q About how far did they live from you before you was married? A About three quarters of a mile, I lived on Turkey Creek and they lived on Mud Creek, I think about three quarters of a mile.
- Q How far did they live from you after you was married? A Couldn't have been over a half mile or three quarters of a mile at the outside.
- Q And they lived there all the time you stayed? A All the time I stayed there, they lived at these two places.
- BY MR. MURPHY:
- Q What is your age? A 61.
- Q When was you first married? A 1868.
- Q In what year was you born? A 1843, wouldn't that make me 61 this last June or would it.
- Q You was how old when you was married? A I was married March 4, and I would have been 25 on June 16th.
- Q Who was it that washed for you after you returned to Lawrence in 1868, after this woman, the wife of Tom Riley washed for you once?
- A Mrs. Riley washed for me once after I married.
- Q Who washed for you then after that? A A woman by the name of Fenimore.
- Q How many times did she wash for you? A All the time I lived on the reservation.
- Q Do you now remember how many times this Mary Riley washed for you before you went away? A She was our regular wash woman in the fall of 1866 and the spring of 1867 until June.
- Q What month in 1866 did she commence working for you? A In November.
- Q What day in the month? A I can't call the day, either the very last of October or first of November.
- Q Is there any other fact that you can recollect in October or November, 1866, 38 years ago? A None only that she was our general wash woman when we wanted washing done.
- Q Did you have any other servants? A None.
- Q Have any one else working for you? A No sir.
- Q And she lived three quarters of a mile from you? A As near as I can remember, yes sir.
- Q What was the business of your father? A They had a contract of getting out ties for the Southern Kansas Road.
- Q You lived in the timber? A Yes sir.
- Q Were there other negroes in the vicinity? A There might have been, I wasn't acquainted with them then.
- Q How did this Riley spell his name? A I can't tell you about that for I don't know, they went by the names of Tom and Mary Riley.
- Q Which was the elder, Tom or Mary? A I couldn't say that for I am not good at judging ages, I suppose he was the eldest, he was quite an old gentleman.

- Q How old was she? A I couldn't say just how old, her children were grown nearly.
- Q He never worked for you? A None but the old lady.
- Q And they lived three quarters of a mile from your home? A Yes sir.
- Q What was he doing? A I suppose just general work.
- Q You don't know what he was doing? A No sir, just working around.
- Q How far did you live from the Indian Territory line? A I don't know.
- Q How far? A I don't know, I lived about four miles from Lawrence.
- Q What county is that? A Douglas County.
- Q Did this man Tom Riley ever go by the name of Tom Ridge? A Not to my knowledge.
- Q Do you recollect the name of any other colored family in that neighborhood at that time? A A family by the name of Spence Bell, but in my girlhood I didn't know them.
- Q You didn't associate with these people? A No sir.
- Q He may have worked at different places and distances from his home? A He might have, I didn't keep trace of him.
- Q You was concerned of her? A She was the one I knew best.
- Q Wasn't he of a roving nature going about the country and hunting and fishing? A I don't know she was the one I knew most about.
- Q Perhaps you know he may have been away for several months at a time? A I don't know whether he went or not, I didn't keep trace of the family.
- Q There were many people in the locality that you was acquainted with as well as this family? A No sir not much.
- Q There was a neighborhood of people there? A No sir, mostly Indians and the colored people.
- Q How many white families in your immediate neighborhood? A Only one that I remember.
- Q You didn't keep in touch with the Indians and colored families there? A No sir not much.
- Q You was not concerned whether Tom Riley was in the Indian Territory, Nebraska or Missouri? A No sir.
- Q So far as he was concerned he was a great fellow to be away from home wasn't he? A I couldn't say about that, I never remember of her saying he was away.
- Q Did you ever hear them discuss their rights as Cherokee freedmen? A No sir.
- Q You knew he was in the army? A If I knew it, I have forgotten it.
- Q Whether he was or wasn't you remember about the soldiers coming there do you in 1865 or 1866? A I wasn't there in 1865.
- Q Well 1866? A I remember about the soldiers camping at my place but it seems to me it was later than that, I know it was, it must have been in the fall of 1866.
- Q The soldiers returned from the war in 1868? A They were going to Fort Riley.
- Q I am speaking of the soldiers engaged in the war between the states? A I don't know about that.
- Q Tom Riley didn't concern you at all? A No sir.
- Q He may have come to the Indian Territory and stayed several months for aught you know? A I don't know anything about that.

BY MR. HASTINGS:

- Q You never did miss him from up there? A No sir I never heard of his being away.

BY MR. MURPHY:

- Q And yet that might have occurred and you were not concerned about this colored man? A Not very much.
- Q He may have been away six months and you not remember it? A I didn't keep trace of him.
- Q He might have been away for six or eight months for aught you know? A Yes, but I never heard of it.

BY MR. HASTINGS:

- Q You never missed him away from there at any time? A No sir.
- Q And if he was away you never heard her speak of it? A No sir.

DAVID ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A David Acher.
- Q Are you the husband of the lady who just left the stand? A Yes sir.
- Q When was you married to her? A On the 4th day of March, 1868.
- Q Where had you lived previous to that time? A My home was in Lawrence, Kansas, but I was through the country a great deal at different places.
- Q How far did your wife's father's family live from Lawrence at the time you married? A About six miles.
- Q Was that section of the country designated by any name? A They lived at what was called Fall Leaf at the time.
- Q Was there any Indian reservation out there? A It had been extinguished at that time, I think the title was extinguished about 1864 or 1865.
- Q After you was married in 1868 where did you go to live? A We moved into a house near Mr. John Sarcouxie.
- Q Who was he? A A Delaware Indian.
- Q Was there any Delaware land there? A The title had been extinguished but they hadn't got away. He was expecting to go away from there and come down here.
- Q You went to live there with him? A Yes sir we went into the house with him, and were there ten or twelve days before they got away.
- Q Did you know a colored man by the name of Tom Riley? A I knew the Riley family, that was the name they were supposed to go by.
- Q Did you know him by that name? A I don't know that I heard that name mentioned, they called him old man Riley.
- Q Did you know his wife's name Mary? A No sir.
- Q Did you know the other members of his family? A I knew a young man who went by the name of Bony Riley, and a young lady that generally went by the name of Sis Riley at that time, I don't know what her real name was.
- Q When did you first learn to know this family? A I heard of them as soon as I moved into the neighborhood, they lived on the same piece of land I was going to farm, probably three quarters of a mile from where I lived to where their shanty was, I didn't go there until April or May.
- Q Of what year? A 1868.
- Q But you found them living there in March, 1868? A Yes sir.
- Q About the month after you moved there? A Yes sir, sometime along in April or May after I moved.

- Q You found them living there? A Yes sir, in a shanty about four miles east of Lawrence.
- Q How long did you continue to know old man Riley; and his family living there? A They were there when I left the place in the latter part of March, 1870, we moved back to Lawrence.
- Q Did you have occasion to see old man Riley before during that three or four years? A Yes sir I saw him frequently.
- Q How far did you live from him? A About three quarters of a mile.
- Q You think you left him there when you moved to Lawrence in 1870?
- A I am pretty sure the family was there.
- Q Do you remember seeing the old man himself frequently? A I can't say positively that I saw him every time I went by there, I went down occasionally in the woods getting some cord wood cut, and the railroad went by the shanty pretty close, probably eight or ten rods, sometimes I would see the old man about the shanty and sometimes I wouldn't.
- Q Did you ever miss him or know of his running away from that neighborhood during that time? A No sir I never heard of it, I never heard anything about it.
- Q If he ever left during that time you never knew of it? A No sir.
- Q Your attention was never called to it if he left? A No sir, I never had any particular business with the family.
- Q And you never missed seeing him for any length of time?
- Mr. Murphy: Objected to as slightly leading and suggestive.
- Commission: Objection noted, witness will answer.
- A No sir I don't think I did, I don't know that I saw him every time I passed by there.
- Q But your attention was never called to his being gone? A No sir.
- BY MR. MURPHY:
- Q When did you first know the Rileys? A Along about April or May of 1868.
- Q When was you married? A On the 4th of March, 1868.
- Q And shortly after that you knew of the Riley family? A Along sometime during the next month or so.
- Q You say that was about four miles from Lawrence? A The shanty was about four miles.
- Q How far did you live from them? A About three quarters of a mile.
- Q Nearer to Lawrence or farther away? A Nearer to Lawrence, they were southeast from the house where I lived.
- Q When you went to Lawrence you didn't go by this place? A No sir.
- Q Lawrence was your marketing place and trading place? A Yes sir.
- Q The only one in that country? A Yes sir.
- Q You didn't have to go by his place to Lawrence? A No sir.
- Q You didn't have occasion to go by his place frequently? A I don't know just how frequently it was, I was taking charge of all timber there for the parties that claimed the place.
- Q Tom never troubled the timber did he? A Not so much the timber as the cord wood.
- Q Was he much of a worker? A I don't know about the old man, I never saw him work.
- Q You was more concerned about the woman, was you not, Mrs. Mary Riley? A I don't know as I ever saw her.
- Q Didn't she wash for you people? A She washed for my wife's folks before I was married.

- Q Did she ever wash for you after you was married? A No sir.
- Q Never did? A No sir, we didn't have any darkey with the family.
- Q You never had them around at all? A No sir.
- Q You knew the family lived there just as other families lived there? A Yes sir, just passing around.
- Q Of course this colored family didn't move in your society at all?
- A No sir.
- Q Tom Riley was kind of a fisherman wasn't he? A I don't know.
- Q Never could find out? A I don't know as I ever heard any one say whether he did anything of the kind or not.
- Q You didn't know just when he went away from home and come back?
- A No sir.
- Q For aught you know he might have gone to the Indian Territory, Cherokee Nation south of where you lived and built him a house there and stayed a few months and returned without you knowing it? A It is possible, I don't know, I never kept any track of him, what he was doing.
- Q You knew the woman and Bony and the children more than you knew him? A I knew them all just about the same.
- Q Isn't it a fact that you have recalled the names by becoming refreshed since rather than remembering it through the 38 years?
- A I have never thought very much of it in fact never thought anything of the family until my memory has been refreshed in regard to it.
- Q You don't remember the names of any other colored family and children that lived there 30 years ago? A No other colored family lived on the place.
- Q But in the neighborhood? A There was a family by the name of Bell lived there.
- Q Did you know his first name or any of the children? A Spence Bell.
- Q But the children? A They had no children.
- Q Do you remember his wife's name? A No sir.
- Q Do you remember the Sarcoxies? A Yes sir.
- Q What were their names? A I don't know, the old gentleman's name was John Sarcoxie, he was the one I lived in the house with, I don't know what his wife's name was.
- Q And they lived in the house with you? A Yes sir.
- Q How long? A About ten days, from the 4th of March until, I think about ten days.
- Q You don't recall the woman's name that lived in the house with you, the colored woman's name? A All the name I ever heard for her was Ann.
- Q They were Indians? A Sarcoxie was pretty near white.
- Q You didn't know Tom Riley in 1866 or 1867? A I didn't.
- Q For aught you know he may have spent those two years in the Cherokee Nation? A Yes sir he might have been away from there, I had no knowledge of the family up until the time I moved there.
- Q You didn't know them yourself until 1868? A No sir.
- Q Did you know of any other Riley's in that country, colored people?
- A I think not.

W. R. SMITH, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A W. R. Smith.
- Q What is your age? A 71 years past.
- Q What is your post office address? A Lawrence, Kansas.

- Q How long has Lawrence, Kansas, been your post office? A Since 1896.
- Q Where did you live during the war and the first few years after the war? A During the war I lived in Coffee County, Kansas, entered the service there.
- Q And where did you live at the close of the war? A In 1866 I moved to Lawrence, Kansas.
- Q How long did you continue to live in Lawrence at that time? A Lived there about a year and a half.
- Q Where did you go to from Lawrence at the end of the year and a half? A I went to Leavenworth County on the Delaware reserve.
- Q How far was that from Lawrence? A About four miles.
- Q About what time did you move out to this Delaware reserve? A I moved there the first of April, 1868.
- Q Out on the Delaware reserve? A Yes sir.
- Q Did you afterwards move to town? A Yes sir, but the next move I made was two miles northeast of there and I lived there until 1896.
- Q You said about a year and a half after 1866 you moved out on the Delaware reserve? A Yes sir, I moved April 4, 1868.
- Q Did you know a colored man by the name of Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q When did you first learn to know them? A In the spring of 1867, a year before I moved there, they were then living at that point.
- Q At what point were they living? A About four miles east of Lawrence at Sarcxie Hill.
- Q How did you come to know the Rileys in 1867? A I leased a piece of land from the Sarcxies and cultivated a crop on their lands in the summer of 1867, and that is when I got acquainted with them.
- Q How far did they live in 1867 from the land you leased and cultivated? A About a quarter of a mile.
- Q You say then that you moved out there in 1868? A Yes sir.
- Q And you say the Rileys had moved what distance in the meantime? A Yes sir, about a half mile further down in the timber.
- Q How far did that make them from where you moved to? A About three quarters of a mile.
- Q Did you move out upon this same land you had cultivated in 1867? A Yes sir the land I cultivated was the Sarcxie homestead, that particular eighty, but there was another large tract of land a gentleman in Lawrence had control of and I had the two in connection.
- Q You had supervision over them? A Yes sir from sometime in 1868.
- Q Up until when? A Until 1873, about five years.
- Q You say that you knew old man Riley out there in 1868 when you moved out? A Yes sir they were right at those two place all that time.
- Q Did you know any other members of his family? A Yes sir.
- Q Did you know their names? A There was one boy called Bony, he went there by the name of Pon, it was said his name was Allen, but I never knew him only by Bony a boy from 16 to 19 years old.
- Q Did they have any girls? A Yes sir had only called Sis.
- Q Did they have any other boys that you recall? A Yes sir I remember one morning I dropped there on business with the old man and I saw a younger one than Bony sitting on a log there, and I saw him at different times around, and it was generally understood that he was a member of the Riley family, and I think there is another but I am not sure.

- Q Did old man Riley ever work for you? A No sir, he may have done odd jobs but I don't recall that he did.
- Q He never did any continuous work for you? A No sir he was a tenant on the place there.
- Q Cultivated a crop? A A little crop, yes sir, ten or twenty acres.
- Q What year was that? A In 1868 and 1869.
- Q Do you know whether he cultivated a crop in 1867 or not? A He didn't have much of a crop, he had a patch he leased from the Indians.
- Q And he cultivated a crop in 1868? A Yes sir in 1868 and 1869.
- Q Did you have occasion to see him frequently? A Yes sir every day almost.
- Q Did you ever hear of his being away from there during those years of 1867 frequently, of 1868 and 1869? A It was possible for him to have been away a week or few days, but not more than that.
- Q You never missed him away from there? A No sir, understand me, he may have been gone for a few days, I can't recall it now.
- Q Do you know where this family went to from there? A They went to Lawrence.
- Q Did you ever afterwards see him in Lawrence? A Yes sir he and the boy Bony at different times.
- Q Do you know how long you continued to see him in Lawrence? A Not positively but some two or three years I should think.
- Q You never was at their home in Lawrence? A No sir.
- Q How far did they cultivate land from where you did in 1868 and 1869? A It was only a short distance, the owner of the land had laid it off in ten acre blocks, and he had one or two blocks.
- Q A part of this same land you had supervision over? A Yes sir, I cultivated a crop there myself.
- Q And he had part of the same land that belonged to the same man? A Yes sir.
- Q What is your occupation? A Farmer, of course I haven't done much of it in the last six or eight years, I live in town.
- Q Was you in the army? A Yes sir.
- Q The Union army? A Yes sir, put in three years.
- Q Are you a citizen of the United States? A Yes sir I think I am, I feel that I am, if I am not I am without a home.

BY MR. MURPHY:

- Q What is your name? A W. R. Smith.
- Q When did you return from the army in the war between the states? A Mustered out at Leavenworth in November, 1865.
- Q Were there a number of returning companies and regiments there mustered out? A Yes sir several.
- Q Were there any in 1866? A That is quite possible, I can't recall it and my location would not have given me an opportunity to know, I can't answer but probably there was.
- Q Was you acquainted with the soldiers who fought on the Union side from the Indian Territory and know where they were mustered out at the close of the war? A I know one colored regiment.
- Q From the Indian Territory? A No sir not from the Indian Territory.
- Q Do you know of any of the colored people who fought on the Union side being mustered out at Leavenworth, Kansas, about 1865 and 1866? A I know one regiment that was organized in Kansas.

- Q Do you know the colored soldiers that fought on the Union side, were they mustered out at the close of the war, those from the Indian Territory? A There may have been colored soldiers there in this regiment that belonged and I think were in the 79th, there were some I presume from this Territory.
- Q From the Cherokee Nation? A Yes sir and other nations in the Territory.
- Q They would naturally enlist there and be mustered out there?
- A Yes sir those were mustered out at Leavenworth in November, 1865.
- Q You didn't know this man Riley and his family until 1867? A The spring of 1867.
- Q Where was you living at that time, when you first knew them?
- A In Lawrence.
- Q How far from Lawrence were they living? A About four miles.
- Q How often did you see them during the year 1867? A I couldn't answer exactly, but some weeks every day most.
- Q Was you running around in that neighborhood at that time? A Yes sir, from the Sarcokies in the summer of 1867, I made my residence in Lawrence.
- Q This man didn't work for you did he? A I don't recall it.
- Q Don't you recall his son Bony and the women people did the most of the work there around the home on this little tract of land they cultivated? A They did the work I presume, of course.
- Q The old man didn't do much did he? A He done to my recollection about as much as any, but when it come to cultivating that tract of land, the old gentleman didn't do much of that I think.
- Q He was more of a rambling nature, didn't he do hunting and trapping? A I don't recall it though it might have been.
- Q You didn't have such relationship with these colored people that you would know of their going in and coming back? A They might have been away from there a week at a time, but I don't recollect it.
- Q The family might have lived there, the boys and girls be there, and the old man away for months and you not know it? A I don't think that was probable.
- Q And during the year 1868 that might have been true wouldn't it?
- A I don't think so.
- Q They lived farther from you in 1868 a half mile, and you didn't see them so frequently? A I don't think there was any difference.
- Q But they had moved farther away from you a half mile? A Yes sir.
- Q And lived there in the timber? A Yes sir.
- Q You didn't know anything about this man Tom Riley in 1866? A No sir.
- Q Nor during January, February, March and April of 1867? A Not until the crop season of 1867.
- Q Mr. Tom Riley might have been down in the Indian Territory in 1866 and up to probably as late as April, 1867 for aught you know? A I couldn't answer that, I don't know.
- Q There was no occasion for your knowing of his coming away and going back any more than any other colored family that lived near? A No sir, after they left there in 1870 as I stated before I only saw the old gentleman and the boy occasionally for two or three years in the city.
- Q And he might have during that time had a home in the Indian Territory with his sister and been down in there and returned? A He might have done that after 1870 after he left the farm.

- Q He may have been away all of the year 1866 and up to April, 1867, and they may have been away for months at a time in the latter season you knew him in 1870? A He not for months in 1870.
- Q Two or three months? A I think that wasn't possible.
- Q Where was you living in 1870? A At this same place.
- Q When did he move to town? A In the spring of 1870 to my best recollection.
- Q Then there was two or three months at a time that you didn't see him? A Yes sir.
- Q In 1866 you didn't see him at all? A No sir.
- Q Then up until the early spring of 1867 you didn't know him? A No sir.
- Q During the time prior to your knowing him in the early spring of 1867, he could have come to the Cherokee Nation, Indian Territory? A I don't know anything about that.
- Q If he moved to town in 1870 and you lived in the country he could have come to the Territory and been here at various times for two months at a time and you not know it? A After 1870 I only saw him occasionally.
- Q And during that time he may have come here? A Yes sir and ~~he~~ ~~he~~ spent a great deal of time in the Territory so far as I know, I saw him occasionally up there after 1870.
- Q Do you recall any other colored family in the neighborhood at that time? A I don't know that I can, there was a colored family by the name of Andrew Barnett.
- Q Did you know his wife's name? A No sir.
- Q His children? A No sir.
- Q Or when he moved? A No sir.
- Q Or how long he lived in one place? A He was there, and I am able to recall another colored family.
- Q You don't remember the name of any other? A One other colored tenant there I believe.
- Q Do you know of the son of this man Riley by the name of Joe? A No sir, I have heard of him but never knew him.
- Q He didn't stay at home? A I don't recall him, he certainly couldn't have been there without me seeing him, there was another son ~~his~~ but I don't know whether he was a stevedore or not, I think there was another one that belonged to the wife.
- Q He didn't stay at home? A I don't recall seeing him.
- Q Did you know a daughter about ten or twelve years old at that time by the name of Mary? A No sir, I only recall one and she went by the name of Sis, her age I don't know, she worked around for people, I think perhaps she was a seamstress.
- Q That daughter? A Yes sir.
- Q How old was she? A I don't know, I can't recall her age.
- Q When did you first recall this old man of 35 years ago? A Some people dropped by in the town.
- Q Who were they? A Mr. Baranow.
- Q Coming there with reference to your testimony in this case? A Interviewed me, yes sir.
- Q And your recollection has been largely refreshed by talking it over since that time? A It was a very vivid one at the start except one item, I remember, may have been refreshed on that point, that the date of Riley's leaving, 1869 or 1870, at first I doubted whether it was 1869 or 1870, but I am now satisfied that it was 1870.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for ensuring that all parties involved are held accountable.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps that must be followed to ensure that all information is captured accurately and that the records are easily accessible for review.

3. The third part of the document addresses the challenges associated with maintaining accurate records. It identifies common pitfalls and provides strategies to avoid them, ensuring that the records remain reliable and trustworthy.

4. The fourth part of the document discusses the role of technology in improving record-keeping. It explores how modern tools and software can streamline the process and reduce the risk of errors.

5. The fifth part of the document concludes by reiterating the importance of accurate records and the need for continuous improvement in record-keeping practices.

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BY MR. MURPHY:

- Q This objectionable feature you speak of had reference to the boy did it not? A Yes sir.
- Q And not to the father or mother? A Just the boy, the father shielded him.
- Q The father or mother did nothing that was reprehensible that you wanted to get rid of them? A As a matter of fact I don't know any had set on the part of the old people but they upheld the boy, kept him there.
- Q Most parents do that? A It is right to a reasonable extent I presume, it is a natural propensity.

BY THE COMMISSION:

- Q Will you give me an idea as to the first time you got acquainted with them, what time of the spring of 1867? A Along in the month of April.
- Q That is your best recollection? A Yes sir.
- Q You knew them out there four miles from Lawrence until 1870? A Yes sir.
- Q That is what you want to testify is it? A Yes sir.

RACHEL WARE, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Rachel Ware.
- Q What is your post office? A Lawrence, Kansas.
- Q How old are you? A I don't know exactly they didn't give it to me when I was young and I didn't get it.
- Q You was a slave before the war? A Yes sir, a child.
- Q Did you live in Lawrence during the war? A No sir.
- Q When did you come to Lawrence? A I come right after the raid had here had at Lawrence.
- Q Was you there at the close of the war? A Yes sir.
- Q Have you lived in Lawrence ever since? A Yes sir, this book will tell you how long I have lived there.
- Q This bible? A Yes sir.
- Q Did you know a colored man and his family whose names was Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A I just don't exactly know her name, but I knew them, I knew the childrens names.
- Q Did they have some children? A Yes sir.
- Q What were their names? A One Mary, one was named Martha, they call her Mary here I understood, and they had one named Bettie and one named Joe Riley.
- Q Where did these people live when you first became acquainted with them? A They lived over the river but I don't know just where over there.
- Q Did they ever move to Lawrence? A Yes sir they moved to Lawrence but where they moved from I don't know, they moved to Lawrence from over the river.
- Q How far from you did they move when they moved to town? A Right in my house when they moved.
- Q You had seen them before had you? A Yes sir I had seen them before.
- Q How long had you seen them before that? A Quite awhile but didn't keep account of the time.

Q But when they moved to your house you did keep account of it?

A Yes sir.

Q You don't know anything about this,?X A No sir I didn't cause I didn't keep account I could have but didn't do it.

Q Is there any record or anything by which you can tell when the Rileys moved into your house in Lawrence? A I tell you I don't know the exact date they moved in my house, but I know when they moved, they didn't stay there long only until they could get a house, about a month or something like that, we had two rooms and I let them in my house.

Q You say you have some data by which you can tell when they left there? A Yes sir.

Q What is that? A I will tell you when they left my house, my child was born, about seven months old, and it was sick and when they moved out it died in a week after they moved out, and it is right here, I had everything put down about my children and marriage in my bible.

Q And that child was alive when they were there? A Yes sir.

Q And it died in a week after they left? A Yes sir.

Q Did you have put in this bible the date of the death of your child? A Yes sir.

Q What was the name of that child? A Frederick Ware.

Q Can you read? A No sir.

Q Is this record in your bible here? A Yes sir and it is correct.

Q This is your family bible is it? A Yes sir.

Q Was this date placed in there about the time of the death of the child? A Yes sir it was placed in there then.

Q And the record that is in this bible here is, the record of the death of this child that you refer to? A Yes sir.

Q Can you read it? A No sir.

Q But that is the record? A Yes sir cause I got it put down straight.

Mr. Hastings: I desire to offer in evidence the bible referred to by the witness and ask that the record of the date of the death of Frederick Ware, the child referred to, be copied and made a part of the record in this case.

Mr. Murphy: The attorney for the applicant asks permission before the record is received to cross examine the witness with reference to this bible.

Commission: All right go ahead on that proposition.

BY MR. MURPHY:

Q Who wrote this in this book? A The minister, I don't know whether it was Lee or not, it has been quite awhile.

Q What was this child's name that died about this time? A Frederick Ware.

Q You don't remember who wrote this in here? A Not exactly I had a minister do it.

Q Do you recall the name of the minister? A I can't remember that hardly, I don't think of that.

Q It is the one you had before you came down here is the minister that entered this? A He isn't here I could have gotten his name but he is gone now.

Q How many years has he been gone? A Quite awhile.

- Q How long after this child died did he put this down here? A Right away after it died.
- Q Did you have these other entries made in here at the time you made the first one? A No sir only as they come.
- Q You had some entries made here about another child that died? A That was Leather.
- Q Was that entered at the same time of the other? A No sir Ella first and Freddie next.
- Q Who entered the one as to Leather? A I don't know what minister.
- Q The same one as about Frederick? A No sir, he was gone then.
- Q And who made the entry about Ella? A I forgot who he is.
- Q How long have you had this bible in your possession? A I got it right after the first child was born, and that is Ella.
- Q Do you know whether he wrote it in there properly or not? A Certainly I do.
- Q How do you know? A I got it from the lady who waited on me and she had it put down that day.
- Q But you don't know what is in that bible? A No but I got it, the other people at home to show it is the same.
- Q You have never been able of your own knowledge to determine whether that entry is to the death of this child Fred is correct? A I can't but I should have called at the Court House and got it.
- Q Well you don't know of your own knowledge whether that entry in there is the date of the death of your child? A Yes sir, it is.
- Q How do you know? A I have had it read over to me by different ones.
- Q Do you remember when your child died? A I had it put down.
- Q What date was it? A The day is in there, I was particular to have it all put down, my brains would not remember it and I had it all put down in the bible so it could be remembered.

Mr. Murphy: We object to the introduction of the record as not being sufficiently identified.

By the Commission: The record as introduced by the Attorney for the Cherokee Nation is taken from the bible identified by the witness and reads as follows: "Frederick Ware departed this life Jan. 18th, 1870."

BY MY HASTINGS:

- Q You speak of the Rileys leaving your place about a week before the death of this child, do you know where they went? A Yes sir, they went the second block from me up to Mr. Jenkins.
- Q Did you know them after they went up there? A Yes sir, in the house a many a time and they were back to mine cause I was kind enough to let them stay in my house.
- Q How long did you continue to know this family from that time? A Until they came away down here, went away from there any how.
- Q Did this girl marry? A Yes sir, married George Hazelrig, the one I called Mariah.
- Q Did you know the correct name of that boy they called Beny? A They called him Allen but the nick name was Beny.
- Q And he was always called by that name? A Yes sir.
- Q About how many years did you continue to know them in and around Lawrence from the time they first lived in the house with you? A Around and about, it was 15 years I know.
- Q Did you see old man Tom Riley frequently during that time? A Yes sir all the time often and on.

- Q Did you ever hear of him being away from there any considerable length of time? A No sir.
- Q You never knew of that? A No sir.
- Q You say they had a boy named Joe? A Yes sir he was the eldest boy I guess.
- Q And they moved up next to Mr. Jenkins? A Yes sir, second block from me up there on the hill.

BY MR. MURPHY:

- Q What was the father's name of Bony? A His name was Joe Riley, they called him Joe, old man Joe Riley.
- Q He was the man that lived there for 15 years? A Yes sir.
- Q What was the mother's name? A I have slipped her name somehow or other, not paying attention, I don't know exactly what her name is, forgot it that's all.
- Q What did this Joe Riley do that you spoke of? A The old man.
- Q Yes? A He just nooked around and about and worked for Mr. Jenkins.
- Q Did he ever go out of town at all? A Not after they left my house as I know of.
- Q You didn't know him until 1870 did you? A I knew them before they come to my house but I don't know just what date it was.
- Q How long did you know them before they come to your house? A I don't know exactly, quite awhile.
- Q You knew them a few weeks or months? A Yes sir.
- Q A way back in 1866 or 1867 you didn't know them? A I don't know much about the numbers is the trouble if I knew them I might tell.
- Q This man Riley might have gone down to the Indian Territory in 1866 and 1867 and lived there for aught you know before you knew him? A Before I knew him that might have been, I knew him when he lived on the river.
- Q But before you knew him? A I don't know anything about that.
- Q He lived in your house about a month? A Yes sir.
- Q His name was Joe? A Yes sir.
- Q And you don't remember his wife's name? A I scurter forgot but I would know by asking the other lady, I didn't think to do it before I come in here.
- Q But you do remember distinctly the old man's name, Joe? A Yes sir.
- Q You knew him best of all? A No sir knew them all knew him by Joe cause some of my folks were named Joe

BY MR. HASTINGS:

- Q They had a girl that married George Hazelrig? A Yes sir.
- Q You know what? A Yes sir.
- Q They had a boy did they? A Yes sir.
- Q What was his name? A His name was Bony.
- Q Now Annie are you certain about what old man Riley's name was? A Joe Riley.
- Q You think it was Joe? A I don't think anything about it.
- Q You feel certain it was that? A I was thinking about his son.
- Q Then you was mistaken in calling him Joe? A His son was named Joe, but the old man was named Tom.
- Q His name was Tom? A Yes sir I was thinking of Joe.
- Q You was mistaken and got his name mixed up with his son? A Yes sir.

BY MR. MURPHY:

Q Did you have a brother named Tom the reason you remember it?

A No sir but some of my connection was named Joe.

PETER JENKINS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Peter Jenkins.

Q What is your age? A 31 years the 4th of last August.

Q What is your post office address? A Lawrence, Kansas, Douglas County.

Q How long has Lawrence been your post office? A Lawrence has been my post office for 40 years.

Q Then you lived there during and just after the war, did you?

A Yes sir.

Q Did you know a colored man in Lawrence, Kansas, by the name of Tom Riley? A Yes sir, I think I did, he went by the name of Tom Riley in Lawrence.

Q Did he have a family? A Yes sir.

Q How far did he live from you? A When I first recollect of seeing him he was I guess about four miles out of town.

Q Did he afterwards move to town? A Yes sir.

Q How long did you know him before he moved to town? A I just don't recollect about how long any more than this, I went to his house when I was out in the country before I moved to town shortly after I moved to town, I had kind of a law suit.

Q How near did they afterwards move to you? A I lived on Lot 842 and they lived adjoining lots to me.

Q Do you know where they moved from to your place? A I leased this lot from St. Clair, the real estate man, and I rented it to him to put a house on it at the time.

Q Did he put a house on it? A He bought a house and had it moved on it.

Q Then did he move into that house? A He did.

Q With his family? A He did.

Q Do you know where he moved from? A He moved from Mr. Ware's place, Cy Ware's place.

Q Was that the husband of this ~~xxx~~ woman that just left the stand? A Yes sir.

Q How long did he continue to live at this place adjoining you?

A I couldn't say positively all I can say when he left there he told me he was going to the nation?

Q About how long did he remain there to the best of your judgment?

A Between ten and twelve years.

Q Did you see the old man there frequently as you would see any other neighbor? A It was just this way, I will have to acknowledge the truth, I was a contractor and taking work there and very often I hired the old man to help me he was a good hand, for several years I hired him to help me and I saw him when he worked for me.

Q Did you know the members of his family? A I didn't pay a great deal of attention to the children.

Q Did you know George Hazelrig? A I did.

Mr. Murphy: Objected to because the question was leading and suggestive.

Commission: Objection noted.

Q Did you know who George Hazelrig married? A He married one of Tom Riley's daughters.

Q How long did you know George and his wife up there? A He married her when she was there in school.

- Q How long did they continue to live there in Lawrence after that time? A I can't tell you just how long that was, though when George come down to the Cherokee Nation I bought a ticket and put him on the train.
- Q And you don't remember the date? A No sir I couldn't, I paid no great attention to it, he had been working for a man by the name of Tom Dee and Tom Dee paid him some and I knowed Tom Dee would pay me the money I paid out for George.
- Q You say you knew them there for ten or twelve years; after they moved to that house there by your place? A Yes sir.
- Q Did you say you knew they came to the Territory afterwards? A I know only what he told me, that is what I said.
- Q Did they live in the same house all this time or did they move? A He lived there until he come away, sold the house for \$40.00 and left Kansas to come down in the nation, said he was coming.
- Q They had the ground leased? A Yes sir.
- Q And the house belonged to him? A Yes sir.
- Q And all these years they kept house there? A Yes sir.
- Q Did they have a boy by the name of Bony? A They called him Bony, his name was Allen, I believe they had two boys, and Allen I can recollect, I think they called him Bony, I recollect him because I had a great deal of trouble with him.

BY MR. MURPHY:

- Q You state that old Mrs. Riley moved a house on the place there? A I didn't say old Mrs. Riley, I said Mr. Riley.
- Q You don't know the year do you? A No sir.
- Q You don't know when you first got acquainted with them, what year? A I explained it in the first place.
- Q I am asking you do you know the year you first got acquainted with Tom Riley? A I don't know sir.
- Q You don't know whether it was 1870, 1875 or 1880? A I couldn't say I know it was during the war that I got acquainted with him in the first place.
- Q When did the war close? A I can't tell you when I can't read or write and I didn't keep any memorandum.
- Q You don't know how long they had been in the Cherokee Nation or Indian Territory before you knew them? A No sir not before I knew him.
- Q Do you remember the name of his wife? A As near as I know her name was Mary.
- Q Who told you that? A She told me.
- Q How many years ago was it that you knew them? A I couldn't tell you.
- Q Twenty? A May be twenty maybe more or less.
- Q You don't know whether it was 20 or 40? A It aint 40.
- Q Do you think it was as much as 30? A I don't know, I will soon tell you to my best recollection about how long I have lived at the place. I have lived there 37 years and I suppose he come there about 5 or 6 years after I come there.
- Q You don't know where he went to after he left there? A No more than he said he was going to the nation.
- Q Did he say he was going back home? A That was my understanding.
- Q Do you remember the names of any other children besides Allen? A I believe he had one girl named Rattie.
- Q Is that the one that was married to Hazelrig? A I don't think so, I always called that one Mariah, I don't know whether it was the name or not.
- Q What year was they married? A I can't tell you I kept no memorandum.
- Q Your name is Jenkins? A Peter Jenkins, yes sir.

- Q Do you know this Mrs. Ware? A I do.
- Q How long have you known her? A About 37 years.
- Q How long did this man Riley live with the Wares? A I couldn't tell you that I didn't keep any track of them, come from Wares house to mine.
- Q Do you remember the year they lived in Wares house? A No sir.
- Q Had you thought of any of these things for 32 or 33 years until you got to talking them over with some one that was sent up there about this case? A I couldn't -----
- Q You hadn't talked it over? A No sir, I was just telling them about the people.
- Q Or refreshed your memory? A No sir he didn't tell me anything he just questioned me about it.
- Q And you had forgotten it? A Yes sir, but I could recollect different things that had passed.
- Q Did you suggest the names to him of these Rileys or did he tell you? A He didn't suggest the names to me, he asked me if I could remember them and I studied it awhile and I told him I would study it over and let him know and the next day he come to me and asked me if I could recollect any of the names and I told him I believe one boy was named John, wasn't sure, and one was named Allen but they called him Bony.
- Q Was there one named John? A I don't know, I thought so.
- Q You are 31 years old? A Yes sir, but I never paid much attention to children.
- Q Do you still live in that neighborhood? A I am living in the same house I have been living in nearly 40 years.
- Q Can you recollect the names of the children of any other colored family that lived there 37 years ago? A I might a few.
- Q Just tell a few to the Clerk here? A Jack Johnson's family was there when I come there, he had one boy named Green and one named Jim.
- Q Are they any relations to you? A Not a bit.
- Q Are they living there yet? A The old lady is there, one of the boys is dead and the other is out west.
- Q Do you recall any of the names of the colored people who lived there 30 years ago and moved away 20 years ago? A They were there but I can't recollect it.
- Q You remember the names of those who still live there better than those who moved away from there? A Yes sir.
- Q You recollect their names better? A Yes sir.

BY MR. HASTINGS:

- Q You know these people come to your place from this Ware place, and this Ware is the same woman that was on the stand before you?
- A Yes sir.
- Q You say you have lived at your place about 37 years? A Yes sir, in the same place I am living in.
- Q You said you had been living there four or five years before these people moved there? A Yes sir to the best of my knowledge it might be that length of time and it might be shorter.
- Q But that is your best judgment? A Yes sir.
- Q And they lived there a number of years did they? A Yes sir.
- Q And they all come away together, that is Tom Riley and his wife?
- A I can't swear to that because I know the old man told me, I was talking with him and he says Mr. Jenkins I aint going to be here very long I sold my house this morning and I says who is going to buy it and he says Vest is going to buy it and says he wants to know if you will let it stay on the ground and I says he can buy your time then he can make arrangements when it is up, and that is about the time he bought it and I don't know how long the old man stayed afterwards.

- Q How long did he live that near you there? A I told you I couldn't swear to it.
- Q What is your best judgment? A Between 10 and 12 years.
- Q Did you ever hear him say who he belonged to before the war?
- A Yes sir he told me that.
- Q Who did he say he belonged to? A Stand Watie I think it was.
- Q Nobody approached you and asked you about this on behalf of the Cherokee Nation, who asked you to make any other statements than the absolute truth has there? A No sir, besides it would not be worth while.
- Q They only asked you to tell what you knew about it? A Yes sir.
- Q And that is all you have testified to? A Yes sir.

BY MR. MURPHY:

- Q This Tom Riley would go away from home and stay quite a little while at different times during the years he was there on your place? A He told me he was going to the nation once or twice, he didn't stay there long.
- Q You don't know what years that was? A No sir I couldn't tell about that.
- Q How long would he stay on these trips down in the nation? A About 30 days as near as I can tell.
- Q He made a number of these trips? A I couldn't tell once or twice he told me he was coming down but I couldn't tell how many trips.
- Q He told you about what he was doing down here? A No sir, I had no particular talk with him he said he had some children down here he wanted to see.
- Q Did he tell you about having a place to stop down here with his sister? A I don't recollect about that.
- Q Did so in the early part of the time you knew him? A No sir it was along I suppose 3 or 4 years after I got acquainted with him.
- Q You don't know how many times he had been coming before that or how long he would stay? A No sir.

JANE WILLIAMS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Jane Williams.
- Q What is your age? A I don't know exactly, about 37.
- Q What is your post office address? A Lawrence, Kansas.
- Q Was you living there during the war? A I come there just about the close of the war.
- Q Where did you come from? A From Fayetteville, Arkansas, I was born in Independence, Missouri.
- Q Did you know Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q When did you know them? A I couldn't exactly state the time but I knew them from about between ten and twelve years.
- Q Where did you know them? A Right in Lawrence.
- Q Did they live there? A Yes sir.
- Q How far did they live from you? A Just a fence between, I lived on the south side of the fence and they on the north.
- Q How long after the war when you first become acquainted with them? A Quite awhile after the war.
- Q About how many years after the war? A It must have been 6, 7, 8 or 10 years after the war, may be more than that.
- Q Do you know where they moved from when they moved to where you knew them, or were they living there? A When I first knew them they lived at Mrs. Vares.
- Q And they moved from there to this place you speak of? A Yes sir.

- Q You can't place the exact time they moved there? A No sir.
- Q Do you know Mr. Jenkins who just left the stand? A Yes sir.
- Q Was you and he ever married? A Yes sir.
- Q Was that the time you knew Rileys? A Yes sir.
- Q It was while you and Jenkins were living together? A Yes sir.
- Q Did you know the members of the Riley family? A Some of them.
- Q Did you know any of the boys names? A Yes sir all that lived there.
- Q What were their names? A Joe was the oldest.
- Q A boy? A Yes sir.
- Q Who was the next one? A Mariah.
- Q A boy or girl? A Girl.
- Q Was she ever married up there? A Yes sir.
- Q Who did she marry? A George Hazelrig.
- Q Still she lived there and you knew her? A I think so I am not positive.
- Q Did you know any other boys? A Allen, called him Bony.
- Q Any other members of the family? A John and Rattie.
- Q What was the old lady's name? A Mary.
- Q What was the old man's name? A Thomas.
- Q Did you see him frequently? A Yes sir.
- Q Did you miss him from there during this ten or twelve years for any length of time? A No sir he come away from there before the old lady did, but I don't know just how long.
- Q How long before the old lady came? A I don't know perhaps a month or two months.
- Q Before leaving that time during this ten or twelve years did you ever miss him away from there any considerable length of time?
- A No sir.
- Q And he lived just across the fence from you? A Yes sir.
- Q And you knew him all this time? A Yes sir.
- Q You knew George Hazelrig and his wife? A Yes sir.
- Q Did they continue to live there after they were married? A Yes sir I think all the time, but it seems to me they moved from there but I am not sure.
- Q But you don't remember the exact dates when they moved ~~away~~ to and away from there? A No sir.
- Q Do you know what old man Riley did around there? A He chopped wood and did anything he could.
- Q Do you know whether he owned a house there or not? A He owned a house but not the lot.
- Q Did the lot belong to your husband? A He had charge of it, it belonged to another man, but he had charge of it.

BY MR. MURPHY:

- Q What was the year in which you first knew Tom Riley? A, I don't know.
- Q Do you read and write? A No sir.
- Q You don't know where Tom Riley had lived before you knew him?
- A I heard he lived on Mud Creek but I don't know.
- Q You don't know how long he lived there? A No sir.
- Q He always called the nation his home didn't he? A Yes sir.
- Q And you knew that that was considered by him as his home? A Yes sir.
- Q You often heard him talk about it? A Yes sir.
- Q And his family? A Yes sir.
- Q And don't you remember of his coming down to the nation several times during the 10 or 12 years you knew him? A No sir I don't.

- Q If your former husband swore to that fact he would be mistaken?
A I couldn't say, likely he knew more about it than I did, I would be away from home.
Q How often would you be away? A I would go out every day and come home at nights.
Q He might have been gone to the nation and stayed there quite awhile and come back and you not have known it? A Certainly he could have.
Q And he might have built a house down here and prepared to live here for aught you know? A Yes sir he might have.
Q And he might have made several trips here during that time and you not known it? A Yes sir.
Q But his family stayed there after he came the last time? A Yes sir.
Q And they followed him? A Yes sir I suppose so.
Q He had been away from there as much as a year before they come?
A Not that long that I know.
Q But several months? A I know he was away.
Q You knew at that time that they come to the nation? A That is where they started.
Q Was Tom Riley much of a hand to work or did his wife and children work? A He would go out and work sometimes for a week or two at a time.
Q Didn't he run around a good deal? A I don't know about that.
Q Did you know where he lived before he came to Kansas? A No sir.
Q But you do know and so testify that he considered the Cherokee Nation his home? A Yes sir I suppose he come from there.
Q And he talked about going hom there? A Yes sir.
Q And for aught you know he made several trips there and stayed quite a while? A Yes sir.

BY MR. HASTINGS:

- Q You never missed him for any length of time and if he made these trips you don't know it? A No sir.
Q He was your neighbor living just across the fence, and if he come away you don't know it? A No sir I don't know anything about it if he come.

BY THE COMMISSION:

- Q Can you give the Commission an idea as to when you first knew him?
A No sir, I don't know as I can fix the date.
Q When did you first come to Lawrence? A I have been there 40 years, I was there in Quantrell's raid.
Q When with reference to that now did you know Tom Riley and his family? A It was several years after that, they come there long after I was married to this man and was the mother of two or three children.
Q You knew him up there how many years? A I think about ten or twelve years.
Q They lived neighbors to you during that time? A Quite awhile, yes sir.
Q And you would see the old man there at home? A Yes sir.
Q You visited them and they visited you? A Yes sir sometimes.
Q You say you don't know of his being to the Territory? A He started from there and said he was coming to the Territory.
Q That was when they left there finally? A He sir once before that
Q Do you know how long he was gone that time? A He sir not exactly, quite awhile but not long.

- Q What do you mean by quite awhile? A May be two or three months, and maybe not quite so long.
- Q Was that a short while before they left there coming here finally? A I think it was somewhere in the spring. I don't know.
- Q Did his family live in Lawrence all that time? A All the time he was gone.
- Q Mary Hazelrig live there? A Yes sir.

CHARLES W. GARRETT, being first duly sworn, testified as follows

BY MR. DAVENPORT:

- Q What is your name? A Charles W. Garrett.
- Q What is your age? A 54.
- Q What is your post office address? A Ottawa, Kansas.
- Q How long have you lived at Ottawa, Kansas? A Since 1870.
- Q Where did you live before going to Ottawa? A Lawrence, Kansas.
- Q What years did you live at Lawrence, Kansas? A From June, 1864, up to 1870.
- Q While living there did you get acquainted with a family named Riley? A I did.
- Q Did you learn what the old man's name was? A All I learned was Tom Riley.
- Q Where was the family living when you got acquainted with them?
- A They were on the Delaware reserve east of the town on Mud Creek.
- Q That was in what year that you first got acquainted with them?
- A I didn't become personally acquainted with the old man until 1866 I saw him before but I didn't become personally acquainted with him until 1866 or 1867.
- Q Do you remember the names of any other members of the family?
- A I remember a boy called Bony, I don't know whether that was his name or not.
- Q Did you know any other members of the family? A We called a girl Mary the oldest girl and he had some other children.
- Q How far did you live from them at the time you got acquainted with the Riley family? A It must have been six or seven miles, we lived right near north Lawrence and they lived on the reserve, and it must have been six or eight miles from town.
- Q Was you ever at the reserve where they lived? A We lived on the reserve a couple of months but didn't get acquainted with them while we were there, and we didn't like it and moved out.
- Q What were the circumstances under which you got acquainted with the Riley family? A My brother-in-law and old man Riley bought some wood, they said they bought it and I guess they did, and they used to haul wood from the railroad right-of-way in the fall of 1866 and 1867 and that is how come me to get acquainted with the old man and the boy.
- Q How far is that right-of-way from where old man Riley and the family lived? A Not very far.
- Q About how far? A It may have been a couple of miles, I couldn't say exactly.
- Q How long did they continue to live there? A I left them there.
- Q When did you leave there? A I left there in the fall of 1870 and moved away.
- Q About how often would you be down to the Riley place where they lived? A We wasn't down to his house but about four or five times a week.
- Q Did you see the old man Riley when you was down there? A Yes sir he would be there we was cutting wood.

- Q You first recollect seeing the Riley family there in 1866 or 1867?
A Yes sir, but I knew of them before that.
Q They were living there when you moved away in 1870? A Yes sir, they lived in Lawrence.
Q Had they moved from the reserve to town? A Yes sir on the south side of the river, I don't know exactly at what part of town.
Q Do you know whether the old man was with the family when they moved to town? A Yes sir he lived there with them; I wasn't at his house but I saw him in town.
Q What is your occupation Charlie? A I am now a common worker, pr ash sometimes, and am a cook, brick mason, and do most anything.
Q You are a minister of the gospel? A Yes sir, preach sometimes.
Q Do you know a colored preacher by the name of Smith up at Lawrence? A Yes sir, he lives in Coffeyville now, I guess he is the man.
Q A colored preacher living in Lawrence several years ago? A Yes sir he wasn't a preacher in Lawrence but he come to be a preacher after that, I worked with him on the Union Pacific road handling ties.

BY MR. MURPHY:

- Q You hadn't gotten to preaching when you was in Lawrence? A No sir I wasn't ordained until about four years ago.
Q How do you know it was in 1866 or 1867 when you got acquainted with them? A I know it was that date.
Q What year was you born? A According to what my mother says in 1850, I got her word for it is all I know.
Q How old was you when you come to Lawrence? A You can guess about how old I was.
Q Don't you know? A When I became acquainted with him personally.
Q How old was you then? A I was a young man, of course 17 or 18.
Q Don't you remember how old you was? A I can count it and tell you.
Q Don't you recollect it? A I said I was 17 or 18.
Q When you first met him? A Yes sir.
Q Then how long did you know him? A From then up until I left town.
Q When did you leave town? A In 1870.
Q How do you recall it was the winter of 1866 and 1867 when you first got acquainted with him? A We left that neighborhood in 1864 and I went to work right a way for a man there and I worked two years there before I come to town and after I come to town and started to school in 1866, and then we would go back and forth and help my brother-in-law get this timber on the reserve.
Q What year did they get that? A In 1866 and 1867.
Q Wasn't that after you went to school? A No sir.
Q When did you come to town to go to school? A Right after the crops were laid by?
Q What year? A 1866.
Q Wasn't it the next year they bought the wood? A It was in the winter of 1866 and 1867.
Q How do you know? A Because I know.
Q Do you remember any other family you met in the winter of 1866 and 1867 besides the Rileys? A I don't know particular I was always meeting somebody.
Q What makes you recall at the particular time you met the Rileys was in the winter of 1866 and 1867? A When I first become personally acquainted with them

- Q Though there isn't any date you fix it by? A I aint got any figures set down to that effect.
- Q Do you know how long ago it was of the year 1866? A It has been 34 years.
- Q And you knew them 34 years ago? A I knew them at that time.
- Q And that is the first you ever knew them is 34 years ago? A If I count it right it was somewhere about there.
- Q You don't fix it by any other fact? A I told you in the beginning that I knew of them and had seen the old man and his folks frequently passing but never came in contact as we are talking, but in the winter of 1866 and 1867 when my brother-in-law and him bought the wood on the right-of-way I went with them down there.
- Q What else happened in 1866? A I don't know what all.
- Q Can you recollect any fact that happened in 1866 and 1867 except buying this wood? A I might if I would go back and hunt it up things that I didn't pay any attention to, if my attention was called to it.
- Q Have you ever had any occasion to refresh your mind about what happened in 1866 and 1867 until your attention was called to it in the last few months? A Yes sir.
- Q What other time? A In 1876, if my memory serves me right, this here Bony Riley come in our neighborhood and stole a horse and went way down in Anderson County and sold it and my brother and I that is now a witness as was a witness against him to prove the horse.
- Q How do you know that was in 1876? A It was Centennial year.
- Q Was you at the Centennial Exposition? A No sir I was at home in Ottawa.
- Q I believe you say that you lived there in 1870? A Yes sir.
- Q Where did you go then? A To Ottawa.
- Q Did you know Tom Riley after that time? A I saw Tom Riley coming through Ottawa.
- Q When? A He made a visit through there in 1871, I am not sure and I talked with him myself, and then I heard of him passing through again.
- Q Where was he going then? A Going to the Territory I suppose.
- Q Don't you know that when you first knew him he claimed the Cherokee Nation as his home? A I never heard him say so.
- Q Don't you know that this was his home? A No sir cause I was a boy and I never had much talk with the old man about where he was raised.
- Q You don't know of anything else that happened in 1866 and 1867 except the buying of that wood by Riley and your brother-in-law?
- A No sir that is all the attractions that I know of.

BY MR. DAVENPORT:

- Q What year was it you started to school? A I come to start to school in the fall of 1866.
- Q You had moved into that neighborhood in 1864? A My folks lived right in north Lawrence but me, I was working on a farm.
- Q You folks lived there in 1864? A Yes sir.
- Q And you went on a farm and worked two years and then started to school in the fall of 1866? A Yes sir.
- Q What fall was it that your brother-in-law and Riley bought the wood on the right-of-way with reference to the time you started to school? A In the same fall.

ANDREW GARRETT, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Andrew Garrett.
Q What is your post office address? A Ottawa, Kansas.
Q What is your age? A 47 years.
Q How long have you been living at Ottawa? A Ever since the spring of 1870.
Q Where had you lived prior to that time? A Lawrence, Kansas.
Q You are a brother to Charlie Garrett? A Yes sir.
Q Do you know what time your family moved to Lawrence, Kansas?
A Yes sir, in 1864.
Q While you was living at Lawrence, Kansas, did you get acquainted with the family of colored people named Riley? A Part of them.
Q What part of the family? A Thomas and Mary and one called Bony.
Q Where were they living when you got acquainted with them? A When I first heard of them on the Delaware reservation, and when I first began to see them they were living somewhere near town.
Q In the town? A I don't just know whereabouts in town.
Q Do you remember what year you first got acquainted with them?
A About 1866.
Q How long did you remain at Lawrence, Kansas? A We came away from there in 1870.
Q Were the Rileys living there when you left there? A Yes sir, the young Rileys were.
Q Which one? A Bony.
Q Do you know where the daughter was? A I don't know much about the daughter.
Q And you moved away from there to Ottawa in 1870? A Yes sir.
Q How often did you see the old man Riley while you lived there?
A Just from time to time, I don't know just how often.
Q Do you know anything about when the Riley family moved away from Lawrence? A No sir.
Q You moved away and left them there in 1870? A Yes sir.
Q Do you know whether or not they were living in town at that time? A No sir.

BY MR. MURPHY:

- Q What year was you born in? A I am 47 years old.
Q You don't know the year? A You figure up and see.
Q Do you know? A I think about 1857.
Q How old was you when you first knew the Rileys? A I was going on ten years old when I first heard of the Rileys.
Q That was about 1867 then, how long did you know them? A We moved away from there in 1870.
Q Then you knew them from 1867 to 1870? A I said from 1866, but we heard of them in 1864.
Q Didn't you just testify that you learned of them when you was ten years old? A I said I was about nine years old.
Q You testified a moment ago that you first heard of the Rileys or knew of the Rileys when you was between nine and ten years old and you say you was born in 1857 is that correct? A Yes sir, I guess so.
Q How long was it between the time you first knew of them and when you got acquainted with them? A In 1866.
Q How many months or years was it? A I don't know about the special months.
Q Was it a year from the time you first knew of them? A I couldn't make that definite.
Q About how long? A That is hard for a man to do.

- Q About how long from the time you first heard and knew of them until you got acquainted with them? A I guess from that time about 1866 or 1867.
- Q You don't know how many months it was? A No sir.
- Q Do you know anything about the years? A I told you about-----
- Q Do you know how long it was? A I couldn't give you any definite time.
- Q What is your best recollection? A I told you when I first heard of them and when I first saw them I saw them from time to time up until I left the place and we moved from Lawrence in 1870.

BY THE COMMISSION:

- Q You claim you came to Lawrence in 1864? A Yes sir.
- Q And you have testified that you got acquainted with these parties in the winter of 1866 and 1867 you think, how long was it after you came to Lawrence before you heard of these people? A I heard of Tom Riley to my best judgment as I stated to you a bit ago in, I think, in the summer of 1864 after we got there, I didn't become acquainted with them until 1866 or 1867.

BY MR. MURPHY:

- Q What else happened in 1866 that you remember besides getting acquainted with the Rileys? A What do you mean, in what direction
- Q Anything? A I don't know what did happen.
- Q Did you keep a record of the Rileys? A No sir.
- Q You have the same kind of a record of other things as you have of the Rileys? A If you tell me what you want to come at maybe it will come to my memory.
- Q Who else did you meet in 1866 besides the Rileys? A Lots of people.
- Q Tell me some of them? A I knew men around Lawrence by the name of Hill.
- Q What time in 1866 did you get acquainted with the Hills, do you know? A I said in 1866.
- Q What time of the year? A It was in the early part of 1866.
- Q You was how old then? A I have told my age to you.
- Q You was about nine years old do you tell this department that you can recollect who you got acquainted with when you was nine years old? A I said lots of things happened that I don't know anything about which didn't concern me.

NELSON F. CARR, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nelson F. Carr.
- Q What is your post office address? A Bartlesville.
- Q How old are you? A 60.
- Q You are a Cherokee citizen? A Yes sir.
- Q How long have you lived in the vicinity of Bartlesville? A 37 years.
- Q Do you live on the same place that you live on 37 years ago?
- A Yes sir.
- Q Do you know Mary Ann Rile? A Yes sir.
- Q Did you know her husband Tom Rile? A Yes sir.
- Q Do you know George Hazelrig and his wife? A George is dead, I did know him.
- Q Do you know his wife? A Yes sir.

- Q Did you know them before the war? A No sir.
- Q When did you first become acquainted with the Rileys? A When they moved into that settlement about 1880 or 1881, perhaps 1882, I couldn't say exactly.
- Q You think it was between 1880 and 1882? A Yes sir.
- Q How far did they settle from you on Caney? A A mile and half.
- Q Had they stayed anywhere in that neighborhood prior to that time? A Not that I know of, I didn't hear it.
- Q Is that the first place they settled in that neighborhood? A Yes sir.
- Q Do you remember the circumstance of their coming there? A Yes sir, the old gentleman, Thomas Riley made some boards for me in April or May of 1884, and that was a short time after they came there.
- Q Do you know where they come from when they came there and settled on that place within a mile and a half from you? A It was said that they come from Lawrence, Andy Daniels told me they did.
- Q Did they come along at the same time? A No sir they come in 1868.

BY HRE MURPHY:

- Q Did you know Thomas Riley before 1880? A No sir.
- Q Did you know of his building a log cabin up there in 1866 or 1867? A No sir.
- Q Did you ever talk with him about his old home having been in the Cherokee Nation before he came at this time? A Yes sir, he said he used to belong to Stand Watie.
- Q Was a slave of his? A Yes sir.
- Q Did he tell you that he had come to the Territory after the war? A No sir I never heard him say so.
- Q Didn't he claim to have returned to the Cherokee Nation after the war? A I never heard him say anything in regard to it.
- Q You knew he had relatives here before you knew him? A His first wife died there close to where I lived.
- Q What year was that? A It was before 1880 and his son died there.
- Q When? A Before Hazelrig moved into the settlement.
- Q And before Riley moved there? A Yes sir.
- Q About what year was it that Joe died? A It would be 1876 or 1877 I think.
- Q And his first wife what year did she die? A Before Joe died, it would be, I couldn't say exactly what year.
- Q Didn't he have a sister down in there? A I didn't know that his first wife, Joe Riley's mother, and Mrs Andy Daniels mother, died there.
- Q Then he had lived in the Cherokee Nation before he came in 1880? A I couldn't tell you.
- Q He lived here when his wife died here? A No sir.
- Q Nor when his son died? A He had three wives.
- Q Where was he living when his first wife died? A I couldn't say it was before he came to the country.
- Q Where was he living when Joe died? A I couldn't tell you.
- Q You aren't testifying that he didn't come to the Cherokee Nation and live before you knew him in 1880? A No sir.
- Q Or he could have done so and you not know it? A Yes sir.
- Q Didn't he come here before his family came? A His wife that he lived with last came before he did, came with the Hazelrigs and he came a short time afterwards into that settlement.

- Q Wasn't he a sort of a rambling nature, running around the country and hunting and trapping? A I never knew him to.
- Q You don't know about his first coming here in 1866? A He didn't come into that country over there.

BY MR. HASTINGS:

- Q He had three wives did he? A Yes sir.
- Q One of them died up there about 1878 or 1879? A Yes sir.
- Q He wasn't around there then? A No sir.
- Q You never saw him about her place? A No sir never did.
- Q And your understanding was when he come there was in 1880 or 1882 that they were from Kansas? A Yes sir.

MR. HASTINGS: The Cherokee Nation offers in evidence a certified copy of the record of a replevin action brought by Thomas Mayfield vs. Wm. White in Lawrence, Douglas County, Kansas, being an action for certain hogs in October, 1865, same is marked Exhibit "A."

The Cherokee Nation offers in evidence a certified copy of the record before Justice of Peace, George A. Banks, placing one George Hazelrig under a Peace Bond in Douglas County, Kansas, on the 20th day of December, 1869, same being marked Exhibit "B."

The Cherokee Nation offers in evidence a certified copy of the record of George A. Banks, Police Judge in the Town of Lawrence, Douglas County, Kansas, on October 9, 1870, fining one Tom Riley upon a charge of being caught in a house of ill fame, same being marked Exhibit "C."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged and plead guilty to disturbing the peace on November 23, 1870, same being marked Exhibit "D."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged with carrying concealed weapons and attention is called to this case to the fact that the record recites that one Joe Riley was a witness in said case and also upon the defendant, George Hazelrig's bond of June 6, 1871, same being marked Exhibit "E."

The representatives of the Cherokee Nation offer in evidence a certified copy of the Police Court record in the case of the City of Lawrence vs. George Hazelrig now being No. 690, charged with breach of the peace on June 19, 1871, and attention is invited in that case to the fact that Joe Riley was a witness, same being marked Exhibit "F."

The Cherokee Nation offers in evidence a certified copy of the Police Record of the City of Lawrence vs. Allen Riley, being case No. 36, wherein the said Allen Riley was charged with the violation of Ordinance No. 174 on December 2, 1872, the same being marked Exhibit "G."

The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, August term of 1873, being the case of the State of Kansas vs. Allen Riley, wherein the said Allen Riley was convicted of larceny, the same being marked Exhibit "H."

The Cherokee Nation offers in evidence a certified copy of the Police Court Records of the City of Lawrence in the case of the City of Lawrence vs. Joseph Riley, No. 862, charged with violating Ordinance No. 174, where in Joseph Riley is charged with co-habiting as man and wife with a woman and not being married. Attention is called to the fact that the records disclose that the parties were married and the case dismissed at the instance of the defendant July 21, 1873, same being marked Exhibit "I."

The Cherokee Nation offers in evidence a certified copy of the marriage license of George Hazelrig of Lawrence, Kansas, age 23 years, and Nancy J. M. Riley of Lawrence, Kansas, age 16, dated February 8, 1873, same being marked Exhibit "J."

The Cherokee Nation offers in evidence a certified copy of a subpoena issued from the State of Kansas, County of Douglas, commanding Tom Riley and Mary Ann Riley to appear as witnesses before the District Court on the 20th day of August, 1873, and the record in the same document showing that the same was served upon the said Thomas Riley and the Mary Ann Riley on the same date that the subpoena was issued, viz., August 19, 1873, same being marked Exhibit "K."

Q The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, Kansas, October term 1874 in the case of the State of Kansas vs. Allen Riley, No. 521, wherein the said Allen Riley is charged with grand larceny, same being marked Exhibit "L."

The Cherokee Nation offers in evidence a certified copy of the records of the Justice Court, George W. Smith, in the case of Thomas Riley vs. Jacob Hartz, Civil Action, No. 1391, being a civil action for debt filed on the 6th day of November, 1876, same being marked Exhibit "M."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record of Lawrence, in the case of the City of Lawrence vs. Lou Riley, No. 1636, dated June 26, 1877, charging the said Lou Riley with wilfully and unlawfully disturbing the peace of one J. T. Estes, the same being marked Exhibit "N."

The Cherokee Nation offers in evidence a certified copy of a Civil Action, being No. 53, before Justice of the Peace, L. S. Steele, in the State of Kansas, Douglas County, being the case of Thomas Riley vs. C. Ware, filed on January 30, 1879, same being marked Exhibit "O."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, charging the said Allen Riley on February 17, 1879, with the larceny of a looking glass and frame from John Anderson, same being marked Exhibit "P."

Q The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Mary Jane Riley, charging the said Mary Jane Riley with the larceny of certain articles mentioned therein of which she was convicted on April 14, 1879, same being marked Exhibit "Q."

The Cherokee Nation offers in evidence a certified copy of the record of a civil action brought by Thomas Riley vs. J. H. Simmons in the Justice Court before George W. Smith, in Douglas County, Kansas, dated the 7th day of May, 1878, same being marked Exhibit "R."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Hazelrig and Mrs. Tom Riley, charging them with violating Ordinance No. 114, being the larceny of some coal of date, November 21, 1879, same being marked Exhibit "S."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley of the larceny of personal property of the value of \$4.50, dated December 12, 1879, wherein the Court found the defendant guilty, the same being marked Exhibit "T."

The Cherokee Nation offers in evidence a certified copy of the record of the Police Court in the case of the City of Lawrence vs. Allen Riley charging him with carrying away the personal property of one Thomas Riley, being an overcoat of the value of \$3.00, January 9, 1880, same being marked Exhibit "U."

The Cherokee Nation offers in evidence a certified copy of the Justice of the Peace Court Record in the case of the State of Kansas vs. George Riley, dated July 22, 1881, same being marked Exhibit "V."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Hazelrig, dated November 19, 1881, charging the said George Hazelrig with being in a state of intoxication upon the street, wherein the said George Hazelrig was fined, same being marked Exhibit "W."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, dated December 31, 1880, charging the said Allen Riley with the larceny of five iron fence castings to the value of fifty cents each, wherein the said Allen Riley plead guilty, the same being marked Exhibit "X."

The Cherokee Nation offers in evidence a certified copy of the records of the District Court of Douglas County, Kansas, in the case of the State of Kansas vs. Allen Riley, No. 711, wherein the said Allen Riley was convicted of Grand Larceny and sentenced to serve a year in the penitentiary of the State of Kansas on the 9th day of April, 1881, the same being marked Exhibit "Y."

BY MR. VASNEY:

The Attorneys for the applicants object to the introduction in evidence of each and every one of the instruments referred to above for the reason that the same are irrelevant, immaterial, and in no way wise pertain to the issues in this case.

BY THE COMMISSION:

Objection noted: exhibits referred to will be filed with and made a part of the record in this case.

CASE CLOSED.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this 2 day of January, 1905.

Charles W. Savage
Notary Public.

A7M²

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the applications for the enrollment of Mary Ann Riley, et al., as Cherokee Freedmen, consolidating the applications of:

Mary Ann Riley,	Cherokee Freedmen D 957,
Mary Hazelrig, et al.,	Cherokee Freedmen D 987,
Mary Brown, et al.,	Cherokee Freedmen D 988.

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D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Mary Ann Riley for herself; by Mary Hazelrig for herself and children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L. and Fred Hazelrig, and husband, George Hazelrig by intermarriage, but as the application for the enrollment of George Hazelrig as a Cherokee freedman by intermarriage, has been heretofore disposed of, he will not be embraced in this decision; and by Mary Brown for herself and minor children, Robert Lee and George R. Brown.

The evidence in this case shows that the applicants, Mary Ann Riley and Mary Hazelrig are mother and daughter, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion and did not return thereto and establish a residence therein, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children and grandchildren of the applicant.

Mary Hazelrig, were born since 1866, and possess no rights to enrollment other than as descendants of the said Mary Hazelrig. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mary Ann Riley, Mary Hazelrig, William A. Hazelrig, Jesse Hazelrig, Lacy Hazelrig, Alexander Hazelrig, Joseph E. Hazelrig, James M. T. Hazelrig, Jacob L. Hazelrig and Fred Hazelrig, Mary Brown, Robert Lee Brown and George R. Brown, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Irene Bixby.

Chairman

I. B. Needles.

Commissioner

J. H. Brockmire.

Commissioner

Dated at Muskogee, Indian Territory,

this _____

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—58,
Ella Vann,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sidie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harris,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—188,
John Kinsie,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—206,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—278,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvin A. Aberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Chiggett,	Cherokee Freedmen D—306,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maudie Manley,	Cherokee Freedmen D—356,

George Reed, Sr.,
Buck Ledgers,
Bell Thompson,
Lewis Scott,
Abu Scott,
Khalid Lupton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Rose,
Charles C. Smith,
Susie Gilbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kizzie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellie Warren,
Millie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Davis,
Mahinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D-388,
Cherokee Freedmen D-408,
Cherokee Freedmen D-411,
Cherokee Freedmen D-420,
Cherokee Freedmen D-421,
Cherokee Freedmen D-422,
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Cherokee Freedmen D-500,

Samuel L. Young,
John B. Baker,
Willie G. Baker,
Richard B. Baker,
Mahinda B. Baker,
Charles C. Baker,
Samuel B. Baker,
Marty B. Baker,
Maggie B. Baker,
Nancy B. Baker,
Ellie B. Baker,
Elizabeth B. Baker,
Sadie B. Baker,
Georgette B. Baker,
John C. Baker,
Hattie C. Baker,
Jack C. Baker,
Lela C. Baker,
George C. Baker,
Lillie C. Baker,
Maria C. Baker,
Mary C. Baker,
Maggie C. Baker,
William C. Baker,
Sarah C. Baker,
Abraham C. Baker,
Laura C. Baker,
John C. Baker,
James C. Baker,
Isaac C. Baker,
Lawson C. Baker,
George C. Baker,
Henry C. Baker,
George C. Baker,
Annie C. Baker,
Louis C. Baker,
Callie C. Baker,
Lon C. Baker,
Ida C. Baker,
Robert C. Baker,
Alice C. Baker,
Isaac C. Baker,
Alma C. Baker,
Katie C. Baker,
Carrie C. Baker,

Cherokee Freedmen D-261,
Cherokee Freedmen D-280,
Cherokee Freedmen D-281,
Cherokee Freedmen D-287,
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Cherokee Freedmen D-399,
Cherokee Freedmen D-400,

Benjamin Clifton
 Emily Lookey
 John Glover
 Matilda McHenry
 Bettie Vann
 Nelson Lett
 Fannie Rogers
 William Washington
 Squire Warren Owens
 Fannie Goldsby
 Susan Daniels
 Anderson Turk
 David Lane
 Nettie McClain
 Henderson Jones
 Belle Vann
 Levi Stroud
 John Slaughter
 Mariah Thompson
 Ellen Sheppard
 Lula Melton

Cherokee Freedmen B-122
 Cherokee Freedmen B-123
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 Cherokee Freedmen B-199
 Cherokee Freedmen B-200

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Benjamin Campbell for himself; by Van Jackson for himself; by Tobe Middleton for his wife, Susan Middleton; by Thomas Harlin for his wife, Emily Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bett Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kester Thompson for himself; by Thomas E. Allen for himself; by Lewis Vaidersford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Ross for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Jean Peterson; by Martha Johnson for her husband, John Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Lookey for Mary Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kinzie Vann; by John Lookey for his wife, Freddie Lookey; by Lucy Johnson for herself; by Allen Darnat for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Book for his wife, Bettie Book; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Webster for his wife, Mary Webster; by Otto Martin for his wife, Fannie Martin; by Ed Wiley for his wife, Mary Wiley; by Emanuel Taylor for himself; by Mary S. for herself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Abbie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Kane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Marrell for his wife, Malinda Marrell; by Charles Claggett for himself; by Samuel Irwin for himself; by Della Reed for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Nannie Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgiana Archer; by Nancy Claggett for her husband, John Claggett; by George Smith for his wife, Mattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hambley for her husband, George Hambley; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Sanders for himself; by King Davis for his wife, Lela Davis; by John Dedmon for himself; by James B. Papp for himself; by James Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCasland for himself; by Jack Vann for his wife, Ollie Vann; by Lee Dotson for himself; by Robert Adair for his wife, Lela Adair; by Jane Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Igou for her husband, Leon Jones; by Lewis Guster for his wife, Allie Guster; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Lookey for herself; by Mary George for her husband, John Guster; by Butler Melton for his wife, Malinda Melton; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Beulah Daniels; by Rachel York for her husband, Anderson Turk; by David Lane for himself; by Fannie McClain for herself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Slaughter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

MARRIAGE ----- CERTIFICATE

CHEROKEE NATION

COOWESKOOWEE DIST

This certifies that George Hazelrig and Mary Redge were
by me joined together in holy matrimony at Al lu we C. N. on this
the 27th day of October A. D. 1887

(signed) J. E. Campbell

Dept Clk

Cooweeskoowee Dist C. N.

In presence of

Wm. A/ Walker

and

L. T. Kinkad.

MARRIAGE -----LICENSER.

CHEROKEE NATION ---- COOWEESKOOWEE DIST

TO ANY PERSON LEGALLY AUTHORIZED TO SOLEMNIZE MARRIAGE -----

GREETING -

You are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and ceremonies of marriage, between Mr. George Hazelrig a citizen of the United States and Miss Mary Redge a citizen of the Cherokee Nation - according the usual laws and customs of the said nation. Said George having complied with the law relating to intermarriage with white men or foreigners into said nation.

And you are required to this license to this office within thirty days of the celebration of said marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office on this the 27th day of Oct A. D. 1887

(signed) J.E.Campbell

Dept Clk.

Seal

Cooweeskoowee District C.N.

Enc m 177

80987.

12

IN RE
THE DEATH OF

George Washington
a citizen of the

State of New York

Approved May 22 1903

C. R. Bucknidge,
Commissioner

COMM. ON THE DEATH OF

GEORGE WASHINGTON

MAY 22 1903

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of George Hargraving
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Denver, Ind. Ter., and died on the 5th day of
April, 1903.
(Here insert name of possessor.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Mary Hargraving, on oath state that I am 46
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Denver, Ind. Ter.; that I am
(Here insert name of post office.)
was the wife of George Hargraving,
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said George Hargraving died on the 5th day of
April, 1903.
(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 22nd day of May, 1903.

John Ross
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, William A. Hargraving, on oath state that I am 23
years of age, and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Denver, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with George Hargraving,
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said George Hargraving died on the 5th day of
April, 1903.
(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 22nd day of May, 1903.

John Ross
Notary Public.

Charles H. ... 1901

20

C. H. ...

IN RE

Application for Enrollment of
INFANT CHILD

John H. ...
as a citizen of

Cherokee

Nation

Approved

1901

J. B. ...

Commissioner

...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wp
IN RE APPLICATION FOR ENROLLMENT, as a citizen of the *Cherokee* Nation,
of *Fred Hazelrig*, born on the *13* day of *October*, 189*9*
(Here insert name of child.)
Name of Father: *George Hazelrig* a citizen of the *Cherokee* Nation.
Name of Mother: *Mary Hazelrig* a citizen of the *Cherokee* Nation.
Postoffice *Dawson, D.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, *Mary Hazelrig*, on oath state that I am *4-4*
years of age and a citizen by *Adoption* of the *Cherokee* Nation;
that I am the lawful wife of *George Hazelrig*, who is a citizen, by
Adoption of the *Cherokee* Nation; that a *Male* child was
(Male or Female.)
born to me on *13* day of *October*, 189*9*; that said child has been named
Fred Hazelrig, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this *22* day of *June*, 190*1*.

Louis J. Brown

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, *Mary Ann Riley*, a *Midwife*, on oath state that I
attended on Mrs. *Mary Hazelrig*, wife of *George Hazelrig*
on the *13* day of *October*, 189*9*; that there was born to her on said date a *Male*
(Male or Female.)
child; that said child is now living and is said to have been named *Fred Hazelrig*

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this *22* day of *June*, 190*1*.

Louis J. Brown

Notary Public.

Charles Friedman D 987

20

copy

IN RE

Application for Enrollment of
INFANT CHILD

Jacob S. Friedman

as a citizen of

Germany

Nation

Approved August 1 1901

J. S. Friedman

Commissioner.

1104 1891

1891

CHADMAN

copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Jacob L. Hazelrig, born on the 24th day of October, 1896
(Here insert name of child.)
Name of Father: George Hazelrig a citizen of the Cherokee Nation.
Name of Mother: Mary Hazelrig a citizen of the Cherokee Nation.
Postoffice: Devery, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Northern DISTRICT.

I, Mary Hazelrig, on oath state that I am 44
years of age and a citizen by Cherokee of the Cherokee Nation;
that I am the lawful wife of George Hazelrig, who is a citizen, by
Cherokee of the Cherokee Nation; that a Male child was
(Male or Female.)
born to me on 24th day of October, 1896 that said child has been named
Jacob L. Hazelrig, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 3rd day of July, 1901.
W. B. Montgomery
Notary Public.
My Commission expires June 14th 1905.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Northern DISTRICT.

I, Mary Ann Riley, a Midwife, on oath state that I
attended on Mrs. Mary Hazelrig, wife of George Hazelrig
on the 24th day of October, 1896, that there was born to her on said date a Male
(Male or Female.)
child; that said child is now living and is said to have been named Jacob L. Hazelrig

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 3rd day of July, 1901.
W. B. Montgomery
Notary Public.
My Commission expires June 14th 1905.

of 410987

FILED
MAR 24 1902


RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George Foxworth,

Deputy, T.

Cherokee - Freedmen

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

2

1889

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 1 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

Names of Children:

3.

4.

5.

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7.

8.

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10.

11.

12.

Year

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Dist.

Year

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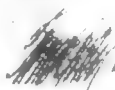
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L. D. 987

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUL 17 1901
AUG 16 1901



A. L. CHAMBERLAIN

COMMISSIONERS

HENRY L. DAWES,
TAMM DIXIE,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of July 1st, 1901, in the
matter of the application of Mary Hazelrig et al for enrollment
as Cherokee Freedmen; also one copy of the testimony from the
case of Mary Ann Riley which has been made a part of the record
in the case of Mary Hazelrig.

Louis T. Brown
Agent for Applicants.

Cherokee Freedmen #D987.

Cherokee Freedmen
D-987.

Muskogee, Indian Territory, February 29, 1904.

Craver, Van Hoy & Cravat,

Bartlesville, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of February 25, stating that Mary Hazelrig desires that her marriage license and certificate, filed with her application for enrollment as a Cherokee freedmen, be returned to you for delivery to her.

There is accordingly herewith enclosed the marriage license and certificate above mentioned, copies of same having been made and retained in the office of the Commission.

Respectfully,

Enc. D-5.

Commissioner in Charge.

Cherokee Freedmen
D-987.

Muskogee, Indian Territory, March 7, 1904.

Mary Hazelrig,

Dewey, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and others as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not you returned to the Cherokee Nation after the rebellion, within the time specified in the treaty of 1866. In this connection the Commission desires that you introduce testimony other than that of yourself.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M., and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-987.

Muskogee, Indian Territory, March 7, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Mary Hazelrig for the enrollment of herself and others as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not said Mary Hazelrig returned to the Cherokee Nation, after the rebellion, within the time specified in the treaty of 1866. In this connection the Commission desires that testimony other than that of the applicant's be introduced.

Said Mary Hazelrig has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M., and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 957; D 957.

Muskogee, Indian Territory, March 26, 1904.

Levely & Givens,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

In accordance with the request of W. C. VanHoy, attorney for Mary A. Riley, et al., there is herewith inclosed to you a copy of the record of proceedings in the matter of the application of said Mary A. Riley, et al., for enrollment as Cherokee freedmen.

Respectfully,

Encl. V-44

Commissioner in Charge.

Cherokee Freedmen
D-987.

Muskogee, Indian Territory, August 11, 1904.

Zevely & Givens,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of August 1, 1904, enclosing petition of Silas D. Ross, as guardian and curator for George and Loney Ross, in which it is stated that the petitioner as such guardian and curator has made application at the Cherokee Land Office for certain lands in the Cherokee Nation claimed by Mary Ann Riley and Mary Hazelrig, as a part of their allotments as Cherokee freedmen. The petitioner asks that he be permitted to appear in any supplemental proceedings had in the enrollment case of the above named Cherokee freedmen, stating that he can and will show by good and sufficient testimony that said clients did not return to the Indian Territory until the fall of the year 1867.

In reply said petition is herewith returned, and you are advised that the petitioner fails to show such an interest in the enrollment case of Mary Ann Riley, et al., as would entitle him to appear and be made a party in the case.

The Commission's records show that your firm has heretofore been entered, in connection with W. H. Van Hoy, as

Z A C

attorneys for Mary Ann Riley and Mary Hazelrig. You are requested to advise the Commission if you still represent these applicants.

Respectfully,

Encl.
DTS-7

Commissioner in Charge.

COPY

Cherokee Freedmen
D-987.

Muskogee, Indian Territory, September 8, 1904.

Mary Hazelrig,

Dewey, Indian Territory/

Dear Madam:

In the matter of your application for the enrollment of yourself and others as Cherokee freedmen, you are advised that this cause has been set down for final hearing on September 23, 1904, at which time you will be given an opportunity to introduce further testimony as to whether or not you returned to the Cherokee Nation after the rebellion within the time specified in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 23, 1904, and introduce further testimony as above indicated.

Respectfully,

(Signed) Tams Bixby
Chairman.

COPY

Cherokee Freedmen
D-287.

Muskogee, Indian Territory, September 8, 1904.

W. C. VanHoy,

Attorney for Mary Hazelrig,

Bartlesville, Indian Territory.

Dear Sir:

In the matter of the application of Mary Hazelrig for the enrollment of herself and others as Cherokee freedmen, you are advised that this cause has been set for final hearing on September 23, 1904, at which time the applicants will be given an opportunity to introduce further testimony tending to show whether or not the principal applicant returned to the Cherokee Nation, after the rebellion, within the time specified in the treaty of 1866.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 23, 1904, and introduce testimony as above indicated.

Respectfully,

(Signed) Tams Bixby
Chairman.

COPY

Cherokee Freedmen,
D-987.

Muskogee, Indian Territory, September 8, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Mary Hazelrig for the enrollment of herself and others as Cherokee freedmen, you are advised that this cause has been set for final hearing on September 23, 1904, at which time applicants will be given an opportunity to introduce further testimony tending to show whether or not the principal applicant returned to the Cherokee Nation after the rebellion within the time specified in the treaty of 1866.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 23, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicants.

Respectfully,

(Signed) Tams Bixby
Chairman.

COPY

Cherokee Freedmen,
D-987.

Muskogee, Indian Territory, October 14, 1904.

Mary Hazelrig,

Dewey, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register.

(Signed) T. B. Needles,
Commissioner in Charge.

COPY

Cherokee Freedmen

D-778, et al.

Muskogee, Indian Territory, January 11, 1906

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedmen cases:

Freedmen R-778	-----	Samuel Beck, et al.
Freedmen R-93	-----	Samuel Adams,
Freedmen R-179	-----	Calvin Goins,
Freedmen R-341	-----	Annie Bell, et al.,
Freedmen R-33	-----	Leah Brewer,
Freedmen T-357-367	-----	Mary A. Riley, et al.

Respectfully,

Incl. 2-15.

Tamm Dixby.
Chairman.

COPY.

Cherokee Freedmen
D-957, D-987.

Muskogee, Indian Territory, January 11, 1905.

Hutchings, Murphy & Vessey,

Attorneys for Mary A. Riley, et al.,
Bartlesville, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on November 14, 1904, in the matter of the application for the enrollment of Mary A. Riley, et al., as Cherokee Freedmen.

Respectfully,

(Signed) Tams Bixby
Chairman.

Incl. 3-14.

COPY.

Checked, Transmitted
5-14 at 11:11.

Muskogee, Indian Territory, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Hilditch, Mary Haslin, Nellie Fields, John Kinbo, William S. Hutton, Cassie Beck, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Nelson, Jack McConnell, Hilda Manley, George Reed, Sri, Buck Latham, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas R. Allen, Lewis Vanderford, John L. Bewlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Fiddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred L. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

-2-

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Steppay Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willie Cox, Leonard Bayles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgiann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mair, George Adams, Annie Thomas, Lewis McConnell, Calkie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Warner, Katie Mair, Carrie Martin, Benjamin Clark, Bully Locney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

W. H. K. S.
Through the

Commissioner of Indian Affairs.

(SIGNED) *Tamc Dixby*
Chairman.

COPY.

Cherokee :
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings &avenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Marthan, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Ballie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Aranda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Mando Kaulay, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kander Hampton, Thomas E. Allen, Lewis Vanderford, John I. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Bank, Ellis Warren, Willie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Bykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hamblin, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Brown, Mattie McAdair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Lett Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

RECEIVED BY THE DIRECTOR OF THE BUREAU OF THE
INVESTIGATION OF THE FBI

RECEIVED BY THE DIRECTOR OF THE BUREAU OF THE
INVESTIGATION OF THE FBI

SIGNED: James Barry.

Incl. K-0.

COPY.

Cherokee Freedman
D-987.

Muskogee, Indian Territory, January 24, 1905.

George Hazelrig,

Dewey, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorneys, Hutchings, Murphey & Veasey, Bartlesville, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamc Dixby.

Chairman.

Encl. L-103.

Register.

COPY.

Cherokee Freedman
D-987.

Muskogee, Indian Territory, January 24, 1906.

Hutchings, Murphey & Veasey,

Attorneys for George Hazelrig,

Bartlesville, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for the enrollment of George Hazelrig as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamc Dixby
Chairman.

Encl. L-120.

Register.

COPY

Cherokee Freedman
B-987.

Muskogee, Indian Territory, February 13, 1906.

Mary Hazelrig,

Dewey, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1906, rejecting, among others, the application for the enrollment of yourself, and your children, William A., Jesse, Lacy, Alexander, Joseph, E., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen. There has heretofore been furnished your attorneys, Hatchings, Murphey & Veasey, Bartlesville, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings and in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) Tams Bixby.
Chairman.

Encl. L-11.

Register.

COPY

Cherokee Freedmen
A-957 et al.

Muskogee, Indian Territory, February 13, 1905.

Hutchings, Murphy & Veasey,

Attorneys for Mary Ann Riley et al.,

Bartlesville, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig; and Mary, Robert Lee, and George R. Brown, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) Tams Birby
Chairman.

Encl. L-13.
Register

COPY

Cherokee Freedmen
D-957 et al.

Muskogee, Indian Territory, February 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig; and Mary, Robert Lee, and George R. Brown, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-14

(Signed) Tams Bixby
Chairman.

COPY

Cherokee Freedmen
D-957 et al.

Muskogee, Indian Territory, February 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary Ann Riley et al., including the Commission's decision, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig; and Mary, Robert Lee, and George R. Brown, as Cherokee freedmen.

Respectfully,

(Signed) Tams Bixby
Chairman.

Encl. L-15.

Through the
Commissioner of Indian Affairs.

Refer in reply to the following:

Land.

13479-1905.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

March 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Mary Ann Riley for herself; by Mary Hazelrig for herself and her children, William A., Jesse, Lacy, Alexander, Joseph K., James M. T., Jacob L. and Fred Hazelrig; and by Mary Brown for herself and her minor children, Robert Lee and George R. Brown.

February 13, 1905, the Commission decided adversely to all the applicants.

The record shows that Mary Ann Riley and Mary Hazelrig are mother and daughter and were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The other applicants are the children and grand children of the applicant, Mary Hazelrig, were born since 1866, and possess no rights to enrollment except as descendants of Mary Hazelrig. None of the applicants is identified on the 1880 authenticated Cherokee roll. Mary Ann Riley is identified on the Kern-Clifton roll and the other applicants are identified on the

Wallace and the Kern-Clifton rolls.

In view of the record the approval of the Commission's
decision adverse to all the applicants is recommended.

Very respectfully,

O. F. Farrabee

Acting Commissioner

M.M.M.

F.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheatem, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepmay Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvén, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

-2-

of the Cherokee Nation or by any United States tribunal and that none is identified on the 1800 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lumel Welcome case, the approval of the Commission decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20077-1008
I. T. D. 2004-1008

V.C.X.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.B.

April 19, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz.

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William E. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Slaggett, Amanda Martin, Eliza Martin, John E. Barnes Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann.

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann,
Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry
Bykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foseter, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Nasir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isam Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Leoney, John Groves, Matilda McNair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Streud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the letter March 22, 1955, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) MYRON. RYAN
Acting Secretary

1 inclosure

COPY.

Cherokee Breedmen

D-987.

Muskogee, Indian Territory, April 28, 1905.

Mary Hazelrig,

Dewey, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of your deceased husband, George Hazelrig, as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-987.

Muskogee, Indian Territory, April 22, 1905.

Hutchings, Murphey & Veasey,
Attorneys for George Hazelrig,
Bartlesville, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of George Hazelrig as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

et al.

Muskogee, Indian Territory, April 12, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tams Birney*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 26, 1905

Bell,, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tame Bixby.
Chairman.

Washington, D. C., June 15, 1905.

Honorable Thomas Ryan,

Secretary of the Interior.

Dear Sir:

By reason of personal interests in the matter, I desire to call your careful attention to the application of Mary Ann Riley and her children for enrollment on the Cherokee Freedmen Roll.

This case has been acted upon by the Dawes Commission and by the Commissioner of Indian Affairs and is now in your office for final action.

I learn by the record in the case that up to this point the application has been denied.

Since the case has been forwarded to Washington by the Dawes Commission, I have personally investigated the status of Tom Riley, deceased, who was the husband of Mary Ann Riley and also the status of all those named in the application for enrollment.

I devoted the better portion of a week to this personal investigation and examined a large number of those whose testimony was taken at the time the case was tried as well as others who know of their own personal knowledge the exact facts in the case.

As grounds for the requests herein preferred, I will make the following statements of fact and statements of my honest belief after a careful personal investigation:

1. I assert as a fact that Tom Riley, the former husband of Mary Ann Riley, the applicant, was a slave with the Cherokee Indians for a period of 47 years. He was also known as Tom Ridge and Tom Waty, those names being applied to him because they were the names of his former owners.

2. Tom Riley, his wife Mary Ann Riley and three children, also slaves of the Cherokee Indians, were taken by the Federal soldiers out of the Indian Territory to Fort Scott, Kansas, and turned loose.

3. I assert as a fact and believe I can prove conclusively that Tom Riley, after living in Kansas a short period of time returned to Possum Creek, Indian Territory in the fall of 1866, that having been his home for so many years, it was the natural place for him to turn to after the Treaty of 1866, and to preserve any rights which might attach to him as a Cherokee Freedman.

4. I assert as a fact and can establish beyond any question of a doubt that he built himself a house on Possum Creek in the Indian Territory immediately after his returning in the fall of 1866. This fact can be established by

the testimony of at least four witnesses who have a personal knowledge of the facts.

5. I assert that Tom Riley moved his family to this home which he built as soon thereafter as the conditions would warrant their removal and he was able to do it.

6. It is my honest belief, and I do not believe any testimony can be adduced to the contrary, that Tom Riley never established a home or owned any land elsewhere than the place of his early associations, to wit, in the Cherokee Nation, where he was a Cherokee slave.

7. It is my honest belief and I can prove without doubt, that Tom Riley, from the date of his return to the Cherokee Nation in the fall of 1866, continued to spend annually a part of his time in said Nation and to speak of it and regard it at all times as his domicile. The evidence will show that the Cherokee Nation was, in law and in fact, his home from the fall of 1866 to the date of his death in 1890. That he spent only such time with his family in Kansas as was absolutely necessary under the conditions which confronted him both in the Indian Territory and in Kansas to make the necessary preparations to take his family with him and live permanently in the

Cherokee Nation and to provide for their support in that country. Riley's first return to the Territory was unquestionably for the purpose of establishing his residence under the treaty of 1866, as evidenced by the preparations which he made to make a permanent home for himself and family. This is borne out and made further indisputable by the fact that he afterwards moved his family to this very home and carried out in good faith, and according to law, his intention in the first place.

8. I learn upon examination of the record in the case on file in your office, that Tom Riley and Mary Ann Riley, his wife, and their children, whose names were Mary Hazelrig and her children, and Mary Brown and her children, were on the Kern-Clifton rolls and that they participated in the distribution of ~~the proceeds of~~ the sale of the land in the Cherokee Strip as well as participating in the distribution of other funds to the Cherokee people as "aid" or "bread" money as popularly termed by the beneficiaries.

9. It is also my firm belief that for the purpose of obtaining work, in order that he might provide for his family, he moved from Possum Creek to the Big Caney River, near Bartlesville, where he secured work and remained in peaceable and quiet possession of the property which is now in dispute in this case for a period of 27 years and his right to possession has never

been questioned until the discovery of oil, when the land had become valuable and has tempted others to resort to underhanded methods with a view to depriving him of it.

10. It is my honest belief that I can prove, in case a rehearing is granted, that the testimony adduced at the original trial, tending to show that Tom Riley resided in the State of Kansas during the years after he returned to the Indian Territory in the fall of 1866 was procured by undue influence and improper inducements.

I write this letter to you and ask, in order that justice may be done and in order that no hardship may be worked on a worthy family, who are, in my opinion, entitled to enrollment, that the papers in the case be referred to the Assistant Attorney-General to pass upon the question as to the status of Cherokee Freedmen whose names were placed on the roll in pursuance of the decision of the Court of Claims in *Whitmire v. Cherokee Nation*, and, in the event the record in the case does not clearly furnish sufficient justification for your reversal of the action of the Dawes Commission, a rehearing may be ordered in order that the facts and all of the truth may be better presented than it was in the original trial.

Now Mr. Secretary, I want to impress upon your mind the importance of giving to the applicants in this cause a rehearing, for the reason that their side of the case was not properly presented to the Dawes Commission and was hurriedly prepared without

time for careful consideration and preparation of the case as the importance of it demanded, and also by reason of the dense ignorance of the applicants and their being absolutely without funds and were old and feeble.

The delay occasioned by a rehearing in this case will in no wise injure the Government or the rights of the Cherokee Nation, for the reason that the truth must prevail. On the other hand, a more careful investigation of the facts and a reconsideration of the same may result in enabling the Department to act intelligently when the case is finally determined and possibly avoid a great injustice to the applicants in this case.

I earnestly ask your serious personal attention to this matter and trust that you will grant the request, believing that the grounds I have given in this letter are sufficient to justify the ordering of a rehearing that justice may be done to all parties, and it is especially represented that because of the ignorance and feebleness of the applicants and those claiming under them, they should have the protection of the Department in order that their full rights might be given to them.

Respectfully,

W. N. Ewing.

(Copy)

DEPARTMENT OF THE INTERIOR

Office of the Assistant Attorney-General.

J.R.W.
W.C.P.
S.T.P.

I.T.D.
2232, 3085, | 1905.
3087, 5561, |

Washington.

August 31, 1905.

The Secretary of the Interior.

Sir:

I received by reference of June 19, 1905, the record in the case of Mary Ann Riley and others, applicants for enrollment as Cherokee freedmen, with request for my opinion "whether the applicants in said case are entitled to enrollment."

The applicants are Mary Ann Riley, born about 1820; her daughter, Mary Hazelrig, nee Riley, born about 1855, for herself and minor children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., James L. and Fred; Mary Brown, nee Hazelrig, for herself and minor children Robert Lee and George R. The Commission to the Five Civilized Tribes found that:

Mary Ann Riley and Mary Hazelrig are mother and daughter, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, and did not return thereto and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, &c. vs. The Cherokee Nation et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children and grandchildren of the applicant Mary Hazelrig, were born since 1866 and possess no rights to enrollment other than as descendants of the said Mary Hazelrig. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896. . . . The applications . . . should be denied . . . it is so ordered.

The applicant Mrs. Riley is identified on the Kerns-Clifton roll and Mrs. Hazelrig on that roll and the Wallace roll of freedmen. The Indian Office recommend approval of the action of the Commission. Counsel for applicants make no contention upon the facts as found by the Commission. I therefore accept them as true for the purposes of this opinion.

Counsel, however, contend that by their enrollment upon the Kerns-Clifton roll --

These people were judicially declared to be citizens of the Cherokee Nation and freedmen; they were judicially declared to be entitled to all the rights which they got under the treaty of 1866. It was the valid judgment of the Court saying that they had brought themselves under the provisions of that treaty, and were entitled to all rights and privileges of it, and therefore that the Cherokee Nation and the United States were forever enjoined from keeping them out of the provisions of such treaty. The only exception made was that the person who should make application to go on the roll should not have forfeited or abjured his citizenship at the date of the entering of the decree. Not only was this roll made and entered under the decree of the Court and approved by the Secretary of the Interior, but the Cherokee Nation was a participant in its making. Its representative was present, cross-examined witnesses, with the amplest opportunity of presenting testimony, and contesting the rights of every person claiming to be entitled as a freedman to citizenship and rights of the Cherokee Nation. It is therefore estopped in contesting the right of the claimants to share in the lands and moneys of the Cherokee Nation.

We do not believe therefore that Congress intended by the Cherokee treaty to go behind that roll, but even if it did, Congress could not disturb the judgment of that Court.

The reference is to the adjudication in the case of Whitmire, Trustee, v. The Cherokee Nation (30 C.Cl., 138, and 180-196). Jurisdiction was conferred upon that Court by the act of October 1, 1890 (26 Stat., 636), among other things---

to hear and determine what are the just rights in law or in equity of the Cherokee freedmen, who are settled and located in the Cherokee Nation under the provisions and stipulations of article nine of the aforesaid treaty of eighteen hundred and sixty-six, in respect to the subject-matter herein provided for.

Sec.2. That the said freedmen shall have a right to begin and prosecute a suit or suits against the Cherokee Nation and the United States Government to recover from the Cherokee Nation all moneys due either in law or equity and unpaid to the said freedmen, which the Cherokee Nation have before paid out, or may hereafter pay, per capita, in the Cherokee Nation, and which was, or may be, refused to or neglected to be paid to the said freedmen by the Cherokee Nation, out of any money or funds which have, or may be, paid into treasury of, or in any way have come, or may come, into the possession of the Cherokee Nation, Indian Territory, derived from the sale, leasing, or rent for grazing purposes on Cherokee lands west of ninety-six degrees west longitude, and which have been, or may be, appropriated and directed to be paid out per capita by the acts passed by the Cherokee council, and for all moneys, lands, and rights which shall appear to be due to the said freedmen under the provisions of the aforesaid articles of the treaty.

This was a jurisdiction to determine the rights in the common tribal property of the freedmen as a class, and neither in terms nor by necessary implication did it extend to determination of what particular persons composed and constituted such class or who were freedmen.

May 8, 1895, in its opinion (30 C.Cl., 186), the court after discussion said: "The court therefore takes the Wallace roll as furnishing the true number for the freedmen, 5524, "but this was to be corrected (ib., 188), by exclusion of the dead and of those who had ceased to be citizens and by adding descendants born after March 3, 1883, and prior to May 8, 1894,

and "when thus amended and changed it shall represent the freedmen entitled to participate in the fund." In the decree (ib., 198,) it was adjudged that the "freedmen and free colored persons aforesaid and their descendants are entitled to participate hereafter in the common property of the Cherokee Nation," &c. This decree was annulled and another by consent was entered (6th Ann'l Rep. Commission to the Five Civilized Tribes, page 70), with a paragraph in substantially the same terms, but the basis adopted was the Cherokee freedmen's roll of 1880, prepared by the tribal authorities. That roll was to be corrected by a commission appointed by the Secretary of the Interior, one member of which was nominated by the Cherokee Nation. The Kerns-Clifton roll was prepared by this commission. There was no provision for review by the court of the proceedings of this commission by appeal or exceptions. On the contrary, this commission was directed to report its roll, not to the court, but to the Secretary of the Interior, and when it was approved by him the fund in control of the court was to be paid to the persons borne on that roll.

The effect of an adjudication of right of citizenship to the persons borne on the Kerns-Clifton roll can be maintained only on the theory that the court delegated its judicial powers to the Commission and the Secretary of the Interior. A mere statement of this proposition refutes the contention. That a

court can not delegate its judicial power is a fundamental proposition needing no citation of authority. The right of persons on the Kerns-Clifton, not borne on the Cherokee 1880 freedmen roll, was never in any sense adjudicated. As to then the Kerns-Clifton enrollment was an administrative proceeding, not an act simply. It being a purely administrative proceeding, remained subject to revision and correction in any manner then or thereafter provided by law.

The court in Whitmire v The Cherokee Nation, supra, as part of its original and final decree, defined the class of persons whose rights were thereby established and who were to be enrolled by making reference to article nine of the treaty of July 19, 1866, --

with respect to the rights of said freedmen who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and who on the said date resided therein, or who returned thereto within six months thereafter, and their descendants; It being understood that the freedmen and their descendants and free colored persons above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree.

Except in punctuation the definition of the class of persons was clearly intended to be a substantial quotation (in past tense) of that in article nine of the treaty, so that the treaty provision itself was given to the Commission as guide for its action, restricted by the added direction as to forfeiture

-4-

and abjuration of Cherokee citizenship. Having this precept as a limitation on its powers, the enrollment of other persons not within the class so defined was in excess of the powers of the Commission and never sanctioned by the court.

The difference of punctuation above noticed, and any construction founded on the punctuation of article nine of the treaty, is in the present case immaterial. It is unnecessary to re-enter into a discussion of the proper construction of this provision of article nine of the treaty, heretofore fully considered in my opinion of March 22, 1904, and in that of May 9, 1905, in case of Burrell Daniels. If the six months' period was applicable to this class, the applicants, as the Commission find, did not comply with it; if it was not applicable, they were merely made Cherokee citizens by the treaty, with "all the rights of native Cherokees," and became at once liable -- without benefit of a six months' period -- to operation of section 2 of article one of the Cherokee Constitution, if they settled and became legally domiciled at Lawrence, Kansas. If either state of facts be conceded to be true, it, in my opinion, follows that the Kerns-Clifton Commission exceeded its powers in assuming to grant their enrollment.

That enrollment having been, as above shown, an administrative act, and not a judicial one, was subject to review and correction in any manner that Congress should by law direct.

The act of June 28, 1898 (30 Stat., 495, 502), directed the

Commission to the Five Civilized Tribes that:

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.

Congress confirmed some Indian tribal rolls. It might as easily have confirmed the Kerns-Clifton roll, and naturally would have done so had it regarded that roll as either an adjudication of right or even only an accurate roll. Instead of so doing, it directed compilation of a roll in strict compliance with the terms of the decree. This implies that Congress did not regard the Kerns-Clifton roll as made in compliance with that decree, else it would have confirmed that roll, as it did the tribal roll of 1880.

If the facts were conceded to be as stated in the findings, it would follow that the Commission acted in strict compliance with the direction given by Congress in the act of 1898, supra. It is represented, however, that in fact Tom Riley returned to the nation in 1866, and some evidence in the record is to the effect that he left Kansas with the announced intention of returning to the nation as early as February, 1866, before the date of the treaty. Since reference of the case to me a further paper is filed on behalf of the applicants in the nature of an application for rehearing which, among other things, represents --

that Tom Riley never established a home or owned any land elsewhere than the place of his early associations, to wit, in the Cherokee Nation, where he was a Cherokee slave. . . . that the testimony adduced at the original trial tending to show that Tom Riley resided in the State of Kansas during the years after he returned to the Indian Territory in the fall of 1866 was procured by undue influence and improper inducements that the case was not properly presented to the Dawes Commission and was hurriedly prepared without time for careful consideration and preparation, and also by reason of the dense ignorance of the applicants.

It is within the discretion of the Secretary, and entirely proper for him to grant such application.

Very respectfully,

Frank L. Campbell,

Approved: August 31, 1905.

Assistant Attorney-General.

THOS RYAN,

Acting Secretary.

Refer in reply to the following:

Land.
78469-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

September 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 6, 1905 (I.T.D. 9336-1905), I have the honor to enclose a letter from the attorneys of the Cherokee Nation, dated September 11, 1905, transmitting a copy of a brief in behalf of that Nation, in Cherokee Freedmen enrollment case of Mary Ann Riley et al.

The record was forwarded to the Department March 6, 1905.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
LLB

I.T.D.11128-1905
IRS

October 13, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of an approved opinion of the Assistant Attorney-General of August 31, 1905, in the Cherokee freedman case of Mary Ann Riley. Therein reference is made to a letter of June 15, 1905, from W. H. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

While it is suggested in the opinion that it was within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules of motions for review. It is not sworn to and is not supported by the affidavits of the witnesses intended to be introduced if the rehearing should be ordered, and a copy of it has not been served upon the attorneys for the Cherokee Nation.

The Department does not know where Mr. Ewing can be found. A letter of July 21, 1905, addressed to him at Washington, D. C., the address given in his letter, was returned unclaimed. He has not been admitted to practice before the Department.

In order, however, that further opportunity to file a proper

motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

July 8, 1905, W. T. Hutchings filed an argument for the claimants.

Mr. Ewing's letter is inclosed, to be returned in due time.

Respectfully,

(Signed) B. A. Hitchcock

Secretary.

Through the
Commissioner of Indian Affairs.

2 inclosures. (Land 13479-1905).

Cherokee Freedmen
D-987.

Muskogee, Indian Territory, November 4, 1905.

Mary Hazelrig.

Dewey, Indian Territory.

Dear Madam:

In connection with the applications for enrollment as Cherokee freedmen of yourself, et al., you are advised that this office is in receipt of Departmental letter of October 13, 1905, in which it is directed that the applicants, their attorney, and W. H. Ewing, who has heretofore filed an application to have this case reopened, be notified that they will be given thirty days from date within which to file such motion as they desire to make to have said cases reopened.

You are, therefore, hereby notified that your attorney, W. T. Hutchings, has this day been notified that he will be allowed thirty days from date hereof within which to file with this office such motion as he desires to make to have reopened said cases, a copy of which motion he will be required to serve on the attorneys for the Cherokee Nation.

You are advised that the post office address of W. H. Ewing is unknown to the Department and this office, and you are requested to, if possible, advise same.

Respectfully,

Register
LS

Commissioner.

Cherokee Freedmen
D-987.

Muskogee, Indian Territory, November 4, 1905

W. T. Hutchings,

Attorney for Mary Ann Riley, et al.,
Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedmen enrollment cases of Mary Ann Riley, et al., you are hereby advised that this office is in receipt of Departmental letter of October 18, 1905, inclosing an approved opinion of the Assistant Attorney-General of August 31, 1905, in said case. Reference is made in said opinion to a letter of June 15, 1905, from W. H. Ewing, on behalf of applicants in the nature of an application for rehearing.

The Department advises that it is not deemed advisable to order a rehearing, as the application in the form of a motion does not answer the requirements of the ordinary rules of motions for review. The Department directs as follows:

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

You are, therefore, hereby notified that you will be allowed thirty days from date hereof within which to file with

-2-

this office such motion as you desire to make to have this case reopened, a copy of which and all papers filed, you will be required to serve on the attorneys for the Cherokee Nation.

You are requested to, if possible, advise this office of the post office address of W. N. Ewing.

For your information, there is inclosed herewith a copy of Departmental letter referred to, together with a copy of the opinion of the Assistant Attorney General of August 31, 1905.

Respectfully,

Incl. S-89
Register

Commissioner.

Cherokee Freedmen
D-957.

Muskogee, Indian Territory, November 4, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the Cherokee freedmen enrollment cases of Mary Ann Riley, et al., you are hereby advised that this office is in receipt of Departmental letter of October 13, 1905, inclosing an approved opinion of the assistant attorney General of August 31, 1905, in said case. Reference is made in said opinion to a letter of June 15, 1905, from W. H. Ewing, on behalf of applicants in the nature of an application for rehearing.

The Department advises that it is not deemed advisable to order a rehearing, as the application in the form of a motion does not answer the requirements of the ordinary rules of motions for review. The Department directs as follows:

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereon and all papers filed therewith upon the attorney for the Cherokee Nation.

The attorney for the applicants has this day been notified that he will be allowed thirty days from date hereof within

-2-

which to file with this office such Motion as he desires to make to have this case reopened, a copy of which he has been advised he will be required to serve on you.

There is inclosed herewith, for your information, a copy of Departmental letter referred to, together with a copy of the opinion of the Assistant Attorney General of August 31, 1905.

Respectfully,

Incl. 2-90

Commissioner.

33
D. C. 55963-1905

E. T. D. 2232-1905

W R S

J. W. H.
FTH

DEPARTMENT OF THE INTERIOR,
WASHINGTON

December 9, 1905

Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory,

Sir:

Referring to departmental letter of October 13, 1905,
relative to the Cherokee Freedman case of Mary Ann Riley, et al.
you are requested to advise the department whether a motion for a
rehearing in said case has been filed.

Respectfully,

Thos. Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, December 15, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of October 13, 1905 (I.T.D.11128-1905), inclosing a copy of an approved opinion of the Assistant Attorney-General of August 31, 1905, in the Cherokee freedmen enrollment case of Mary Ann Riley, et al., in which opinion reference is made to a letter dated June 15, 1905, from W. N. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

The Department states that while it is suggested in said opinion that it is within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules of motions for review, it not being sworn to or supported by affidavits of the witnesses intended to be introduced if a rehearing should be ordered, and a copy of it not being served upon the attorneys for the Cherokee Nation. It is also stated that the address of Mr. Ewing is unknown to the Department; that a letter addressed to him at Washington, D. C., the address given in his letter, was returned unclaimed, and that on July 8, 1906, W. T. Hutchings filed an argument for the applicants.

Dept.--2.

The Department further states:

"In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed there-with upon the attorney for the Cherokee Nation."

In reply you are respectfully advised that on November 4, 1905, the principal applicants in the Cherokee freedmen case of Mary Ann Riley, et al. (D-957), and their attorney, W. T. Hutchings, were advised of the Department's instructions and notified that they would be allowed 30 days from date within which to file with this office, for transmission to the Department, such motion as they desired to make in said case, evidence of service on the attorneys for the Cherokee Nation of all papers filed to be furnished. The postoffice address of Mr. Ewing is unknown to this office and the applicants and their attorney were requested to, if possible, advise the office of the same.

You are further advised that no reply has been made to this office letters and no motion for ^{re} hearing has been filed.

The letter of Mr. Ewing, dated June 15, 1905, transmitted with Department's letter, is returned herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Incl. --R-2.

Muskogee, Indian Territory, December 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of December 9, 1905 (I.T.D. 2232-1905), referring to Departmental letter of October 13, relative to the Cherokee Freedmen enrollment case of Mary Ann Riley, et al., and requesting to be advised whether a motion for a rehearing in said case has been filed.

In reply, you are respectfully advised that under date of December 15, 1905, this office addressed a letter to the Department in reference to this matter and advised that no motion for a rehearing had been filed.

Respectfully,

LS

Commissioner.

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:
Land.

101560-1905.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes, of December 15, 1905, saying he is in receipt of Departmental letter of October 13, 1905 (I.T.D. 11128-1905), enclosing a copy of an approved opinion of the Assistant Attorney-General of August 31, 1905, in the Cherokee freedmen enrollment case of Mary Ann Riley, et al., in which opinion reference is made to a letter dated June 15, 1905, from W. N. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

Commissioner Bixby refers to the fact that the Department says that while it is suggested in the opinion that it is within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules for motions for review, it not being sworn to or supported by affidavits of the witnesses intended to be introduced if a rehearing should be ordered, and a copy of it not having been served on the attorneys for the Cherokee Nation. The Department also says that the address of Mr. Ewing is unknown to it, that a letter addressed to him at Washington, D. C., the address given in his letter,

was returned unclaimed, and that on July 8, 1905, W. T. Hutchings filed an argument for the applicants.

He further quotes the Department as saying:

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

He reports that on November 4, 1905, the principal applicants in the Cherokee freedmen case of Mary Ann Wiley et al., and their attorney, W. T. Hutchings, were advised of the Department's instructions and notified that they would be allowed 30 days from that date within which to file in his office, for transmission to the Department, such motion as they desired to make in the case, evidence of service on the attorneys for the Cherokee Nation of all papers filed to be furnished, and that the postoffice address of Mr. Ewing, being unknown to him, the applicants and their attorney were requested to advise him, if possible, of Mr. Ewing's address, but no reply has been made to the letters mentioned and no motion for a rehearing has been filed.

The letter of Mr. Ewing, dated June 15, 1905, transmitted with the Departmental letter, is returned.

Very respectfully,

C. F. Harrabee,

EBH-Y.

Acting Commissioner.

D.C. 13947-1906

[C O P Y]

I.T.D. 2232, 3085, 3087,

J.W.H.
LLB

5561, 6119, 6332, 6491,

11128, 12338, -18090-1906.

300-1906

DEPARTMENT OF THE INTERIOR
WASHINGTON.

L R S

April 16, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has further considered the record in the Cherokee freedmen case of Mary Ann Riley et al., which was the subject of the approved opinion of the Assistant Attorney-General of August 31, 1905.

In a decision rendered by the Commission to the Five Civilized Tribes February 13, 1905, the application of the claimants in this case was denied. Reporting in the matter March 6, 1905, the Indian Office recommended that this decision be approved.

By the preponderance of testimony it is shown that the principal Applicant herein, Mary Ann Riley, and her husband, Tom Riley (or Ridge or Mattie), deceased, were, prior to the war of the rebellion, the slaves of a Cherokee citizen residing in the Cherokee Nation. During said war they removed, or were taken, into the State of Kansas. As early as 1863 or 1864 they took up their residence at or near Lawrence, Kansas, about 135 miles north of the northern boundary of the Cherokee Nation. A portion of the time while living near Lawrence, they resided on or near what was formerly known as the Delaware reservation. Later,

and about the year 1870, they moved into the town of Lawrence. There they continued to reside for several years thereafter, probably up to 1880. It seems clear that the residence of the wife and children, as outlined above, was continuous. There is, however, testimony tending to show that the head of the family, Tom Riley, was seen several times in the Cherokee Nation during the years 1866 and 1867, but it is not doubted that practically all of his time during said years was passed with his family in or near Lawrence, and that being of a roving disposition, his trips to the Territory were mere visits. It is not shown that Tom Riley attempted to establish a permanent residence in the nation within the time fixed by the treaty, except that he constructed, with the help of others, a cabin therein in 1866, which he occupied, however, but a month or two, and then without his family. It is further shown that after moving into the town of Lawrence Tom Riley purchased a house and held the same for some time. There is also testimony, apparently reliable, showing that his daughter, Mary Riley, the mother of the minor applicants herein, was married in 1873, while a resident of Lawrence, to George Hazelrig, who was not a citizen of the Cherokee Nation. Copies of certain court records, both civil and criminal, also form a part of the record herein, and show that various members of the family continued to live in Lawrence until as late as 1880.

The Department concludes that Mary Ann Riley, Mary Hazelrig, and the children of the latter did not remove to the Cherokee Nation

-5-

until several years after the treaty of 1866. Further that the said Tom Riley did not establish a bona fide residence therein within the time required, and, that even though it be conceded that he did so, he subsequently identified himself sufficiently with another nation by his purchase of a home and residence in Kansas to effectuate a loss of his Cherokee citizenship, if such he ever had. In like manner, assuming that Mary Hazelrig ever acquired Cherokee citizenship, the same was lost by her marriage to a non citizen and residence beyond the limits of the Cherokee Nation.

Accordingly, the decision of the Commission to the Five Civilized Tribes, adverse to the applicants, is hereby affirmed.

Copies of Indian Office letters of March 6, 1905, September 20, 1905, and January 5, 1906, are inclosed.

Respectfully,

5 inclosures.

Thos. Ryan
First Assistant Secretary.

Cherokee
F D 987.

COPY

Muskogee, Indian Territory, April 24, 1906.

Mary Hazelrig,

Dewey, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 7, 1905, rejecting, among others, the application for the enrollment of yourself and minor children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

Respectfully,

(Signed) Wm. O. Beall
Acting Commissioner.

GHL

COPY

Cherokee
F D 957 et al.

Muskogee, Indian Territory, April 24, 1906.

W. T. Hutchings,
Attorney for Mary Ann Riley, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley; Mary Brown and her minor children, Robert Lee and George R. Brown; and Mary Hazelrig and her children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

For your information there is inclosed herewith a copy of the Department's decision referred to.

Respectfully,

(Signed) Wm. O. Beall
Acting Commissioner.

Incl. GL-37
GHL

Cherokee
F D 957 et al.

COPY

Muskogee, Indian Territory, April 24, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley; Mary Brown and her minor children, Robert Lee and George R. Brown; and Mary Hazelrig and her children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

For your information there is inclosed herewith a copy of the Department's decision referred to.

Respectfully,

Incl. GL-38.
GHL

(Signed) Wm. O. Beall
Acting Commissioner.

Cherokee Freedmen
R 769 R 770

Muskogee, Indian Territory, June 11, 1907.

S. G. Magee,

Bartlesville, Indian Territory.

Dear Sir:

This office is in receipt of your letter of June 2, 1907, asking to be advised the status of the citizenship in the Cherokee Nation of Mary Ann Riley, et al.

In reply you are advised the records of this office show that the applications for the enrollment of Mary Ann Riley and Mary Hazelrig and her children as Cherokee Freedmen, were refused by the Secretary of the Interior on April 16, 1906.

You are further advised that the Act of Congress approved April 26, 1906 (34 Stat. 137), provides, in part, as follows:

"That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

L M B

Commissioner.

Chen. Fr. R 771

Chen. Fr. R. 771

Trans. from F.D 988

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 5 1901

14
15
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17

To be filed with the case of Mary Brown, C. F. D. #888.

Department of the Interior,
Commission to the Five Civilized Tribes.
Nowata, I. T. June 22, 1901.

In the matter of the application of Mary Ann Riley for enrollment as a Cherokee freedman.

APPEARANCES: -

Mellette & Smith, attorneys for applicants.
W.W.Hastings, of counsel for Cherokee Nation.

Mary Ann Riley, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Mary Ann Riley.

Q How old are you? A. I am going on 82.

Q What is your post office? A. Bartlesville.

Q What district do you live in? A. Cooweescoowee.

Q You want to be enrolled as a Freedman? A. Yes sir.

Q Who do you want to enroll besides yourself? A. My daughter.

Q How old is your daughter? A. I don't know her age, she will give her age when she comes.

Q Anybody else? A. No one else but me.

Mr. Smith:

Q Where do you live? A. I live on Horse Shoe Bend of Caney.

Q That in the Cherokee Nation? A. Yes sir.

Q How long have you been living there? A. I can't tell you how long I have been there; I can't and tell the truth.

Q You haven't got any children I guess that are living with you? A. I have one daughter.

Q She isn't living with you? A. She is a married woman.

Q What is her name? A. Her name is Mary Hazelrig.

Q Who is she married to? A. George Hazelrig.

Q Where does she live? A. Lives about five miles from me on the other side of Gon creek.

Q Where is that, in the Cherokee Nation? A. Yes sir, in the Cherokee Nation, all of it.

Q Were you a slave? A. Yes sir I was.

Q Then how old is your daughter; was she born before the war or after the war? A. She was born before the war.

Q How old was she when the war commenced? A. I can't tell you because I never ~~know her age or nothing~~ knew I had to go through any such business as this, and I never tried to keep her age or nothing.

Q You can tell me about your daughter Mary, how big a child she was when the war commenced, can't you? A. When the war commenced I reckon she was about 6 years old, maybe.

Q Why did you belong to? A. I belonged to Stand Watie.

Q Was he a Cherokee Indian? A. Yes sir.

Q Living in the Cherokee Nation? Yes sir.

Q Where was you at that time? A. I was right at his house, right with him.

Q Where was Mary? A. She was there too at the same place.

Q Was Mary with you? A. Yes sir, we both belonged to Mr. Watie.

Q Now what became of you during the war, where you taken out of the Nation or did you go out, or what became of you while the war was going on? A. I was taken out by the soldiers.

Q Well where were you taken to? A. They put me to Fort Scott.

Q Took Mary too? A. Took Mary too.

Q When did you come back to the Cherokee Nation? A. We came back to the Cherokee Nation in '88.

Q Who did? A. Who come.

Q Who did you come with? A. Me and Mary and my husband and ~~son~~ my son.

Q What was your husband's name? A. Thomas Watie.

Q What was your son's name? A. Joseph Watie.

Q Whereabouts did you come to when you came back to the Nation after the war? A. We came to Aunt Susie Colbert's.

Q What part of the Nation? A. I can't tell you what part of the Nation to save my life because I never thought of any such thing, but we come to Aunt Susie Colbert's.

Q Who was she? A. She was a Cherokee freedwoman, is all I can tell you.

Q Was she a Cherokee slave, a freedman, or something of that sort? A. Yes sir.

Q Well, where have you been living now since you came back here? A. Have been living on the Horse Shoe Bend of Caney.

Q Have you lived in the Cherokee Nation ever since you came back? A. I have never been out of the Cherokee Nation anywhere since I came to the Cherokee Nation, never been anywhere out of the Cherokee Nation.

Q Well what became of your daughter Mary, where did she live after you brought her back here? A. We all lived together around here until we got split up, scattered out from one another.

Q When did Mary marry? A. Mary married, I cant tell you exactly when, because I dont know, I dont what to sit up here and tell a ~~lot of things~~ whole lot of something I dont know anything about, I cant tell you when Marry married.

Q What became of your son, what did you say his name was? A Joseph Watie.

Q Where is he? A. He is dead and in his grave.

Q Where is your husband, is he dead too? A. In the grave.

Q Is any of your family alive except you and Mary? A. That is all I know of, there is some left but I dont know where they are.

Q How do you happen to be called Riley now? A. I will tell you how I been called Riley, just like other people when they marry off they take the man's name, that is the way I got it.

Q Did you marry a man named Riley after Watie died? A. I married him right there in Mr. Watie's kitchen.

Q Married why? A. Thomas Watie, he belonged to Watie and I belonged to Watie and he took his father's name.

Q Well, what was that? A. Riley.

Q So Thomas Riley was sometimes called Thomas Watie? A. Yes sir.

Mr. Hastings: Now, Aunt Mary, where did your daughter Mary marry, at whose place? A. I cant tell you at whose place she married, she married here in the Cherokee Nation and she went away from me to marry, she went a long way from me to marry, I dont know how far they went to get married, but she married in the Cherokee Nation.

Q Kn what town was she married? A. I dont know whether in town or not

Q Who was living ~~near~~ near you when your daughter married? A. You want to know who is my nearest neighbor, is what you want to know?

Q Yes? A Well Bob Duncan.

Q Was he living near you at that time? ~~A. Yes~~ When Mary married? A Yes sir, he was the nearest man.

Q Who else lived around you? A. Sam Beck was the next nearest man.

Q How far was that from Fort Scott? A Oh well, she married here in the Cherokee Nation.

Q Well, waht part of the Cherokee Nation, that is what I am trying to find out? A I wish I was able to tell you, but I told you I dont know I told you I dont know.

Q You dont know one year from another? A No, I dont ~~know~~ you spoke the truth then, God knows you spoke the truth, because I never has the liberty in this world to know that.

Q You dont know this year? A. No sir.

Q You dont know when you come back? A. ~~No sir~~ I know I came back to the Cherokee Nation, I know that is all.

Q That is all you know? A. That is all, I know I came to the Cherokee Nation.

Q You know you are in the Cherokee Nation now? A. Oh bles God, yes

Q What was Watie's wife? A. Her name was Sallie.

Q You know that, dont you? A. Yes sir, I do sure knoe it.

Q Now I am trying to find out near what point or near what settlement or on what creek or what river or what part of the Cherokee Nation you first come to when you come back here? A I never seen any river when I come here, I never seen any river about Aunt Susie Colberts. I came to her place first, but when I went down where I am living now; Caney River, is the first river I seen.

Q I want to know where Aunt Susie Colbert lives? A. I cant tell you, all I can tell you. I can tell you she lives in the Cherokee Nation ~~when I came here~~ because I told you when I was down here I told you I couldnt tell because I never thought anything about this stuff in the world and I neer thought of it, thought I would be coming to the

5.

Cherokee Nation to live, that is all I had to think about, thought I just had to come to the Cherokee Nation to live, I didn't know I would ever be brought up about these dates.

Q Where did you see L. D. Daniels first after the war? A I saw him in the Cherokee Nation when I first come back.

Q What place? A The first place I ever saw L. D. Daniels to be acquainted with him, I had seen him, but the first place I had seen him to be in anyways personally acquainted with him was GooseNeck Bend.

Q That was the first time, was it? A Yes, that was the first time, and that wasn't the first time I had seen him passing by, I didn't know the man.

Q That was after the war, wasn't it? A After the war.

=====

Taking of testimony continued by Stenographer Chas. von Weise.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this 12th of July, 1901.

(Signed) T. B. Needles,

Commissioner.

+++++

Continued from Stenographer Bruce C. Jones.
Nowats, I. T. June 28th 1901.

=====

L. D. DANIELS, called and sworn as a witness for the applicant-

By M R. Smith-

Q What is your name? A. L. D. Daniels, age 56, post office Claremore.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Do you know the applicant? A. Yes sir.

Q When did you first know her? A. About '76, after I moved up here in this district.

Q Did you know her before the war? A. No sir.

Q Was that the first time you saw her in the Cherokee Nation after the war? A. Yes sir.

Q Where was she living then? A. Her husband bought a place 4 miles from me on Posson creek.

Q Where is Posson creek, in the Cherokee Nation? A. Yes sir.

Q How far is it from where you live now? A Five miles from my home place.

Q Where has the applicant been living since '75? A Near Bartlesville, on Caney, north of there.

Q Is that in the Cherokee Nation? A. Yes sir.

Q Has she any children? A. Yes sir, one girl at I know of.

Q What is her name? A I can't call her name, I never was at her place but twice.

Q Do you know of your own knowledge what her daughter is named now? A I think she is married to a man named Hazelridge.

Q Do you know where she is living now? A. On Big Caney, Cooweescoowee district, Cherokee Nation.

Q How long has this daughter been living there? A. I don't believe I know exactly, something over twenty years.

By Hastings-

Q Was this daughter married when you first went there? A I don't know, she may have been, I am not certain.
By Commission of Applicant

Q Did you ever draw strip money? A I drew the money from the Cherokee Nation.
Applicant not found on the 1880 or 1890 rolls of the Cherokee Nation.

Kern Clifton roll examined and the applicant found as follows-
Page 163, No. 4014, Mary Ann Wale, Cooweescoowee district.

Applicant not found on the Wallace roll of the Cherokee Nation.

By Smith of Applicant-

Q Where is your daughter Mary? A Camped over there a little ways.

By Com'r Needles,- Mary A. Riley applies for herself; she cannot be identified on any of the rolls except the Kern Clifton roll; she avers that she was a slave of one Stand Watie, went to Fort Scott and returned in 1886 and married one Tom Watie sometimes known as Riley; satisfactory proof as to residence is made, consequently she will be listed for enrollment as a Cherokee freedman on a doubtful card and when the final decision is arrived at she will be notified by mail.

+ + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings therein the above cause and that the foregoing is a true and correct transcript of his stenographic notes thereon.

(Signed) Chas. von Weise,

Subscribed and sworn to before me this the 13th of July, 1901.

(Signed) T. B. Needles.

Commissioner.

=====

I, Chas. von Weise, upon my oath state that the foregoing is a full and correct copy of the original.

Chas von Weise
Subscribed and sworn to before me this the 3rd of July, 1901.

M. D. Green
Notary Public.

Brown

To be filed in the case of Mary Hazelrigg, U. S. D. 988.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July, 1st 1901.

In the matter of the enrollment of Mary Hazelrigg for the enrollment of herself and eight children as Cherokee freedmen; and the enrollment of her husband as a Cherokee freedman by intermarriage; she being sworn by Commissioner T. B. Needles, testified as follows:

L-B. Bell, attorney for the Cherokee Nation
Lewis T. Brown, Agent for the applicants.

By Com'r Needles-

- Q What is your name? A. Mary Hazelrigg.
Q What is your age? A. 44.
Q What is your post office address? A. Dewey
Q In what district do you live? A. "Ocoowescoowee."
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled besides yourself? A Myself and eight children.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. George Hazelrigg
Q Is he a citizen? A. No sir.
Q Is he living now? A. Yes sir.
Q Do you apply for him as a Cherokee freedman by intermarriage? A. Yes sir
Q What are the names of your children? A. William A. Hazelrigg.
Q How old is he? A. 21 years.
Q He must apply for himself? A. He is in jail.
Q Well the next child? A Jessie.
Q How old? A. 19 years.
Q Next? A. Lacey.
Q How old? A. 15.
Q Next? A. Alexander.
Q How old? A. 10 years.
Q Next? A. Joseph B.
Q How old? A 9 years.
Q Next? A. James M. T.
Q How old? A 6 years.
Q Next? A. Jacob L.
Q How old? A. 5 years.
Q Next? A Fred.
Q How old? A. One year/ old.
Q Is your name on any of the rolls of the? A Yes sir on the Kern Clifton and Wallace rolls.

Kern Clifton roll examined and the applicants found thereon as follows- Page 183 No. 4015 Mary Hazelridge, Ocoowescoowee dist.
page 183 No 4016 William Hazelridge " "
page 183 No 4018 Jessie or Jess Hazelridge " "
page 183 No 4019 Lacey Hazelridge " "
page 183 No 4020 Alex Hazelridge " "
page 183 No 4021 Joe H. Hazelridge " "
page 183 No 4022 J. Milton Turner Hazelridge " "

Wallace roll examined and the name of the applicant found as follows:
page 118 No 3461 Mary W. Hazelrigg,
page 118 No 3482 Wm. A. Hazelrigg
page 118 No 3484 Jesse or Jessie Hazelrigg.

- Q Are these children all living at this time? A. Yes sir.
Q And all the children of George Hazelrigg by yourself? A. Yes sir.
Q And all born in the Cherokee Nation? A. Yes sir.
By Brown-
Q Were you a slave at the beginning of the civil war? A. Yes sir.
Q To whom did you belong? A. My mother and father belonged to Stand Watie and I was born in his kitchen.
Q Was he a Cherokee citizen? A. Yes sir.

Q In what district did he live at that time? A. Scingsnake.

Q Were you taken out of the Cherokee Nation during the war? A. Yes sir.

Q With whom did you return? A. My mother and father.

Q Who is your mother? A. Mary Ann Walte.

Q Did she apply the other day to be enrolled under the name of Mary Ann Riley? A. Yes sir.

Q She is your mother? A. Yes sir.

Q Where have you lived since your return? A. In the Cherokee Nation by Bell-

Q What is your mother's name? A. Mary Ann Watie.

Q How old were you when the war broke out? A. Six years old.

Q Where were you living then? A. On Grand river.

Q What is your father's name? A. Tom Watie.

Q Was he living there on Grand river? A. Yes sir.

Q What place on Grand river? A. They tell me it was on Grand river, I don't know what place.

Q What is your name? A. Mary Hazelrig.

Q Same name as your mother—that is the Mary? A. Yes sir.

Q Where did you first come to in the Cherokee Nation after the war? A. I came to my aunt Susie Colbert.

Q Where is that? A. I don't know except that it is in the Cherokee Nation.

Q You know that much do you? A. Yes sir.

Q Where did you come from? A. Fort Scott.

Q Do you remember anything about coming back to your aunt Susie's? A. Yes sir, I don't know anything about it, I was told we came there.

Q Do you know where that is? A. In the Cherokee Nation.

Q Was it on Grand river? A. No sir.

Q Where were you when you can first recollect? A. Big Caney in the Cherokee Nation.

Q Did you go there from where your Aunt Susie lived? A. No sir.

Q Where did you move from? A. We first came to Possum creek from Aunt Susie's and then to Big Caney.

Q When you came from Fort Scott you came to your aunt Susie's? A. Yes sir.

Q Then you went to Possum creek? A. Yes sir.

Q How long did you live at your aunt Susie Colbert's? A. I don't know.

Q How long did you stay on Possum creek? A. A month or so.

Q Then you just moved to Big Caney and before going there you stopped a month or two on Possum creek? A. Yes sir.

Q Who were your neighbors? A. No neighbors but one white man named Bob Duncan.

Q What year was it? A. I don't know.

Q Do you know what year this is? A. No sir.

Q Are you on the Wallace Roll? Did you draw money on it? A. I guess so.

Q How old are you now? A. I guess I am 44 years old.

Q Don't you remember nothing since you were 20, 30 or 35 years old? A. No sir I was ~~was~~ studying about work and wasn't studying nothing like this here.

Q Where did you get married at? A. In the Cherokee Nation.

Q What place? A. Down here at Alloway.

Q In whose house? A. The Clerk's office.

Q When was that? A. I don't know.

Q What year was it in? A. I don't know.

Q Have you got your license? A. Yes sir.

By the Commission-

Q Was George Hazelrig your first husband? A. Yes sir.

Q Did he ever have any other wife besides you? A. Not that I know of.

Q Are these children all living with you? A. Yes sir, all except those in jail.

Q How many have you in jail? A. Two.

Q Which ones? A. Jesse and Willie.

Q And the reason the one of age is not here to apply for himself is because he is in jail? A. Yes sir.

By Com'r Needles,—Mary Hazelrig applies for herself and eight children

Commission to the Five Civilized Tribes
 as Cherokee freedman and for her husband as a freedman by intermarriage. The oldest child, William, is 21 years of age, but he is not here on account of being in jail; she presents satisfactory proof of her marriage to one George Hazelrig according to the laws of the Cherokee Nation on the 27th of October, 1887, and presents a duly authenticated marriage license. She is duly identified on the Kern Clifton roll and the Wallace roll. Her six oldest children are identified with her on the Kern Clifton roll; William and Jesse are also identified with her on the Wallace roll, and she presents satisfactory proof of the birth of her two youngest children; she avers that she is the daughter of Mary Ann Riley, now Wade who has been listed for enrollment as a Cherokee freedman on a doubtful card #567 and the testimony taken therein is hereby referred to and will be made a part of the application at bar and a copy thereof filed herewith. She makes satisfactory proof as to residence; consequently the said Mary Hazelrig and her eight children named in the testimony will be listed for enrollment as a Cherokee freedman on a Doubtful card and her husband George Hazelrig as a Cherokee freedman by intermarriage. They will be notified of the final decision of the Commission when the same is arrived at.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes.

Chas. von Weise

Subscribed and sworn to before me this 3rd of August, 1901.

M. D. Green

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., July 1st 1901.

In the matter of the application of Mary Brown for the enrollment of herself and two children as Cherokee freedmen; she being sworn by Commissioner T. B. Needles testified as follows:

Lewis T. Brown, agent for the applicant.

By Com'r Needles-

- Q What is your name? A Mary Brown.
Q What is your age? A 19.
Q What is your post office address? A Bartlesville.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled besides yourself? A Two children.
Q What are their names? A Robert Lee Brown.
Q How old? A 8 years.
Q Next? A George R. Brown.
Q How old? A 2 years old.
Q Are you married? A Yes sir.
Q What is your husbands name? A Alex Brown.
Q Is he a citizen? A No sir.
Q What is your fathers name? A George Hazelrig.
Q What is your mothers name? A Mary Hazelrig.
Q Where were you born? A In the Cherokee Nation.
Q Have you always lived here? A Yes sir.
Q Are your two children living with you? A Yes sir.
Q Is your name on the rolls of the Cherokee Nation? A No sir.
Q Did you never draw strip money? A No sir my mother did.

Applicant not on the 1880 or 1896 rolls.

Kern Clifton roll examined and the name of the applicant found as follows-

Page 162 No. 4017, Mary Hazelridge, Cooweescoowee district.

Wallace roll examined and the name of the applicant found as follows- Page 118 No. 2482 Mary Hazelrigg, Cooweescoowee district

By Brown-

- Q Is your mother the same woman who has just been enrolled? A Yes sir.
Q What is your grand mother's name? A Mary A. Hiley.
Q Some times known as Mary Ann Antie? A Yes sir.
Q Is she your grand mother on your mother's side? A Yes sir.

By Com'r Needles:

Mary Brown applies for herself and two children as Cherokee freedmen, their names being Robert Lee, and George R. Brown. She avers that she is married to on Alex Brown a non citizen; she avers that she is the daughter of Mary Hazelrig who has been listed for enrollment on Freedman D. Card #987, and the testimony taken in said case is hereby referred to and will be made a part of this application, a copy thereof being filed herewith and which is also to include a copy of the testimony in the case of her grand mother Mary Ann Hiley, the same being D. Card #957. The applicant makes proof of residence and as to the birth of her children; she is identified herself on the Kern Clifton and Wallace rolls under her maiden name; she will now be listed with her two children for enrollment as Cherokee freedmen on a doubtful card, and when the final decision of the Commission

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is arrived at she will be notified by mail.

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Chas von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise

Subscribed and sworn to before me this the 15th of July, 1901.

(Signed) T. B. Needles.
Commissioner.

ENDORSEMENT:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F I L E D
JUL 18 1901.
Tans Bixby, Acting Chairman.

(Stereotype)

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and the people who are to be used in the future

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 31, 1902.

In the matter of the application of JERRY SHANE for enrollment as a Cherokee Freedman.

Applicant appears by Nallette & Smith; Cherokee Nation, by W. V. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Brown, D 988;

By W. V. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the rights of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

~~In the case of Moses Whitman, trustee, vs. Cherokee Nation, as filed in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.~~

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me..

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 14, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY A. RILEY ET AL., as Cherokee freedmen.

It appears that on October 14, 1904, the attorneys for the applicants and the attorneys for the Cherokee Nation were duly notified that on November 14, 1904, the applicants would be permitted to appear before the Commission and submit further testimony in the above entitled case.

APPEARANCES:

Applicants by their attorneys, Hutchings, Murphy & Veasey.
Cherokee Nation by its representative, W. W. Hastings.

JOSEPH SMITH, being first duly sworn, testified as follows:

BY MR. VEASEY:

- Q What is your name? A Joseph Smith.
- Q How old are you? A 66.
- Q What is your present post office address? A Coffeyville, Kansas.
- Q How long have you been living in Coffeyville? A Every since 1872.
- Q Where did you live previously to that? A Lawrence, Kansas.
- Q For what length of time did you live there? A About 6 years.
- Q Are you acquainted with Mary A. Riley who is one of the applicants for citizenship in this case? A I am.
- Q Were you acquainted with her in Lawrence, Kansas, during the time you was there? A Yes sir.
- Q Were you acquainted with Tom Riley or Ridge? A Yes sir.
- Q Did he bear any relationship to that woman? A Her husband.
- Q When did you first become acquainted with Tom Ridge or Riley?
- A Along in '64.
- Q He was then in Lawrence, Kansas? A Yes sir.
- Q Did you know his wife also at that time? A Yes sir.
- Q Could you state to the Commission how long he remained in Lawrence, Kansas, after '64 after your first acquaintance with him?
- A He was there in '65, part of '65 and I saw him again along in '66.
- Q Were your relations with him of an intimate kind? A In the church.
- Q What is your profession? A Preacher.
- Q Of what church? A Baptist church.
- Q Was he, Tom Riley, a member of the church you was? A Yes sir.
- Q During the time that you knew him in 1865 or 1866 did he ever state to you that he intended to return to the Indian Territory?
- Mr. Hastings: Objected to by the counsel for the Cherokee Nation because the same is a declaration in interest and is hearsay and is therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A Yes sir.
- Q You may state to the Commission his exact language? A He claimed to be a citizen of the Cherokee Nation, his home was here and he left sometime in '65 and said he was coming to the Cherokee Nation. He came back sometime in '65 along in the fall sometime and he left again sometime in the fall of '66.

- Q How long did you remain in Lawrence after the fall of 1866? A I remained in Lawrence until 1872.
- Q During the time you was in Lawrence, from the fall of 1866 to your going to Coffeyville, did you see Tom Riley on any other occasion? A No sir.
- Q During that time did his wife and such children as they had at the time remain in Lawrence? A Yes sir.
- Q Did you during the time of his absence inquire as to his whereabouts from the members of his family? A Several times.
- Q What statements did they make to you in that regard?
- Mr. Hastings: Objected to as a declaration in interest and heresay, and therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A They said he was supposed to be in the Territory, yes sir.
- Q Did you see Tom Riley at any time after you moved to Coffeyville?
- A Yes sir.
- Q Where? A Place called Gooseneck Bend at his sisters.
- Q Where is Gooseneck Bend? A About twelve miles south of Coffeyville.
- Q In the Indian Territory? A Yes sir.
- Q Could you tell the Commission what year that was? A I think I can, it was in '74.
- Q Did you see him any time subsequent to that? A Yes sir.
- Q Where and when? A In Gooseneck Bend at different times.
- Q Did you ever see him after this occasion you have mentioned?
- A Yes sir.
- Q State when and where? A Bartlesville.
- Q When did you first see him at Bartlesville? A That must have been along in '78 or '79.
- Q Did he have his family with him then? A Yes sir.
- Q His wife was this Mary A. Riley the applicant in this case? A Yes sir.
- Q When you saw him then had they improved a place at that point?
- A Yes sir, a little place there.
- Q Did you know where his family lives now? A Yes sir.
- Q Is that the same place he had improved in 1878 or 1879? A Yes sir.
- Q Do you know where he died? A Yes sir.
- Q When? A In 1895.
- Q You know as a matter of fact that his family is still living on the place they improved in 1879 near Bartlesville? A Yes sir.
- Q Where did he die? A At Bartlesville.
- Q On this place? A Yes sir.
- Q Were these people ever a member of the church that you had charge of? A Yes sir.
- Q Where was that? A Gooseneck Bend.
- Q Were there any rules which the church had in regard to the membership of the church? A Yes sir.
- Q As regard their being married? A Yes sir.
- Q What was that rule? A We didn't accept any except those supposed to be married according to law.
- Q When these people were in Lawrence, Kansas, did Tom Riley hold this woman out to be his wife? A Yes sir.
- Q He did that to you? A Yes sir.
- Q And they lived together as husband and wife? A Yes sir.
- Q Was that the case at Gooseneck Bend? A Yes sir.
- Q And likewise true when they were at Bartlesville? A Yes sir.

- Q Did you baptize these people? A I did.
 Q At what place? A Gooseneck Bend.
 Q Same church they were members of? A Yes sir.
 Q When was that? A I think it was along about '77 or '78, Tom
 Bushyhead and then were running for Chief.
 Q Just shortly before they moved to Bartlesville? A They were
 living at Bartlesville when I baptized them.
- BY MR. HASTINGS:
- Q What was Tom Riley's wife's name? A Mary.
 Q Do you know Mary Hazelrig? A I do.
 Q Is she their daughter? A I guess she is she used to be their
 child.
 Q You knew her in Lawrence, Kansas? A I didn't, I knew they had
 some children is all.
 Q Did you know Tom Riley's wife in Lawrence? A I did.
 Q You knew her name? A Yes sir.
 Q Do you know whether they called Mary Hazelrig "Sis" in Lawrence
 or not? A I don't know.
 Q Did you know a boy of theirs they called "Bonny"? A I did.
 Q He is the same one they called Allen? A I don't know about that.
 Q Bonny was just a nickname? A I don't know about that.
 Q Did you know a boy they had by the name of Joe? A Yes sir.
 Q Where were they living when you first knew them? A In Lawrence
 on the north side of the river.
 Q Of Kaw River? A On the west side of the river.
 Q How far from Lawrence? A In Lawrence.
 Q Right in the town? A Right in it, yes sir.
 Q Did you know a white woman up there by the name of Mrs. Mary E/
 Archer? A No sir.
 Q Did you know a man there by the name of W. R. Smith? A No sir.
 Q Did you know a colored woman up there by the name of Rachel Ware
 in Lawrence? A No sir.
 Q Did you know a colored man by the name of Peter Jenkins? A Yes
 sir.
 Q How far was Tom Riley living from Peter Jenkins when you knew
 them? A I don't know where Jenkins lived.
 Q On what street did Tom Riley live? A I don't know any of the
 streets.
 Q Were you ever at Tom Riley's house? A Yes sir.
 Q What kind of a house? A Common little shack.
 Q Don't know what street? A No sir.
 Q In north or south Lawrence? A South Lawrence.
 Q He had some children there at the time, did he? A Yes sir.
 Q You never saw him himself down here in 1874? A 1874.
 Q That is the first time you ever saw Tom Riley in the Territory?
 A Yes sir.
 Q His family was still living in Lawrence? A Certainly.
 Q They had continued to live in Lawrence from 1864 or 1865? A Yes
 sir.
 Q And his family was living there when you left in 1872? A Yes sir.
 Q Did you have occasion to visit his family after you missed Tom
 up there up until the time you left there in 1872? A No sir, I
 just met them.
 Q Just like you did other people around there in town? A Yes sir.
 Q And you saw them frequently until you left in 1872? A Yes sir.
 Q And you never saw any of the members of his family down here until
 1879 out about Bartlesville? A Yes sir.
 Q But you saw Tom himself here in 1874? A Yes sir.

- Q But you didn't see the members of his family about that time?
A Only his boy Joe.
Q But the family came down in 1879? A About that time.
Q You inquired of him where his family was and he told you in Lawrence? A Yes sir.
Q You know where Haselrig married this woman? A No sir, I don't.
Q Were you called up there in 1873 when they were married in Lawrence? A No sir.
Q Didn't Tom ever tell you at any of these times that his daughter Mary had married George Haselrig in Lawrence? A No sir.
Q Did you know George Haselrig up there? A I did.
Q He was a stage man? A I don't know.
Q Was he a Cherokee darkey? A I don't know, he might have been.
Q You never heard him say anything about coming down here? A No sir.
Q Tom and his wife owned a home there? A I don't know about that.
Q Did they continue to occupy this same house all the time that you knew her there? A I don't know, so far as I knew they did.
Q You don't know where this man Jenkins lived? A I think he lived in what they called north Lawrence.
Q That was near where Tom Riley lived? A He lived on the south side.
Q Did you know a colored man by the name of John Williams? A No sir.
Q Did you know a colored man by the name of Andrew Garrett? A No sir.
Q A minister by the name of Charles W. Garrett? A No sir.
Q What was Tom doing up there for a living between 1864 and 1874?
A I couldn't tell you, travelling about the best he could.
Q You saw him there practically all of the time all up until 1872 at the time you left? A No sir.
Q You didn't see him in 1868, '69 and '70? A No sir.
Q You were never over at his house were you? A No sir.
Q How far did you live from them? A I suppose about a quarter.
Q What was Tom doing up there before he left? A He wasn't much of a hand to work, his wife did most of the work.
Q He and his family spent a good part of the time in jail didn't they? A I never heard of them being in jail in my life.

BY MR. WHISKEY:

- Q How old was Tom Riley at the time you first knew him? A I suppose 40 some odd.
Q You saw you met him at Coosensons Bend sometime in 1874 or 1875?
A Yes sir.
Q What, if anything, did he say about his family? A
Mr. Hastings: Objected to because it would be a declaration in interest and hearsay and inadmissible.
Commission: Objection noted, witness will answer.
A He desired to get his family to him and I think he was trying to get some of his friends to help him get his family here.
Q Did he have any improvements at that time? A No sir not that I know of.
Q Did you ever have any conversation with the wife of Tom Riley relative to her coming to the Territory while he was in Lawrence?
Mr. Hastings: Objected to as hearsay and a declaration in interest and inadmissible.
Commission: Objection noted, witness will answer.
A Never heard her say anything about it.

BY MR. MASTINGO:

- Q You are not a citizen of the Cherokee Nation? A No sir.
 Q You are a colored man living in Coffeyville? A Yes sir.
 Q You never did live in the Cherokee Nation? A Yes sir.
 Q When? A Long about '74.
 Q Where were you living at that time? A At the mouth of Pecos
 Creek in the Cherokee Nation.
 Q How long did you live there? A About a year and a half.
 Q That is all you ever lived in the Cherokee Nation? A Yes sir.

BY THE COMMISSION:

- Q When did you first begin living in Lawrence? A I moved into
 Lawrence in the Christmas about the first of January of 1863, I
 first went to Lawrence in the fall of '62.
 Q Did you get acquainted with Tom Riley and his wife when you first
 went there? A No not for a few months after I got there.
 Q You don't know where Tom Riley went when he left Lawrence, Kan-
 sas, in 1865 or 1866? A No sir.
 Q The first time you saw Tom Riley in the Cherokee Nation was
 about 1870 what? A About 1874.
 Q Prior to that time you don't know where he went? A No sir.
 Q Do you mean to tell the Commission that the family of Tom Riley,
 including his wife, Mary A. and the daughter, now Mary Hanselrig,
 the same children lived in Lawrence, Kansas, continuously from
 1863 up until you left there in 1872? A Yes sir.
 Q That is a fact? A Yes sir.
 Q These parties never came to the Cherokee Nation until after you
 left Lawrence? A Not to my knowing.
 Q Would you have known it if they had come? A I think so.
 Q You know as a matter of common knowledge that they were residents
 of Lawrence while you were there? A Yes sir.
 Q Had a home there, house and lived there? A Yes sir.
 Q When was the last time you saw Tom Riley in Lawrence, Kansas?
 A Along in 1866.
 Q What time in the year? A It was along in August, 1866.
 Q What aged woman was this Mary Hanselrig? A I suppose she was
 just a---I didn't know her at that time.
 Q Can you name the family? A Only Joe and Bory and another boy.
 Q Name those you do know beginning with Tom and his wife? A Tom
 and his wife Mary, Joe and Bory and another boy I can't remember
 his name.
 Q Were these children small when you knew them? A Yes sir.
 Q You say the boys live near Bartlesville now? A Yes sir.
 Q In the Cherokee Nation? A Yes sir.

BY MR. VANCE:

- Q You don't mean all of the parties you named live near Bartlesville
 A The old man and Joe and Bory are all dead.
 Q You know that Mary A. Riley, lives at Bartlesville? A Yes sir.
 Q Do you know whether any member of his family accompanied Tom to
 the Territory in the fall of 1866? A I think Joe and one more
 boy came with him, Joe came with him and never went back.
 Q Joe was his son? A Yes sir.
 Q He is the one that has died since? A Yes sir.
 Q When did you come to Lawrence first? A Came into Lawrence in
 the fall of '62.
 Q Did the Rileys come there after that? A Yes sir after I came.
 Q What were the circumstances under which they came there? A The
 poor circumstances, they were very much in need.

Q Were they brought there by soldiers or otherwise? A No sir, came there on their own accord.

Q When you were living at the mouth of Pocom Creek did you know anything about improvements that Tom Riley was supposed to have in that neighborhood?

Mr. Hastings: Objected to as being leading.

Commission: Objection noted, witness will answer.

A Yes sir.

Q Do you know where it was? A Yes sir.

Q State to the Commission where it was? A About a mile west of the mouth of Pocom Creek.

Q You learned that in 1874?

Mr. Hastings: Objected to as being leading.

Commission: Objection noted, witness will answer.

A Yes sir.

BY MR. HASTINGS:

Q What became of that improvement? A Rotted down.

Q Went back to the public domain? A No sir, somebody around there-----

Q He never had anything but a cabin? A Had a cabin there.

Q Never lived in it? A I don't know.

Q Never improved it? A I don't know there was a little spot there, I don't know who did it.

JOHN J. ROSE, being first duly sworn, testified as follows:

BY MR. WEAVER:

Q What is your name? A John J. Rose.

Q What is your age? A About 56.

Q Where do you live? A Tahlequah.

Q Were you acquainted with Tom Riley or Ridge during his life time?

A Yes sir.

Q Where were you living during the years of 1865 and 1866? A The latter part of '66 I went to Kansas, Leavenworth about three weeks and the rest of the time at Lawrence.

Q Where did you meet Tom Riley? A In Lawrence.

Q Had you ever known him previously? A No sir.

Q When did you meet him? A Between the first and 10th of November '65.

Q How long did you continue to live in Lawrence or in the neighborhood? A About three years.

Q Did Tom Riley continue to live there during that length of time?

A No sir he wasn't there all of the time, I saw Riley in November when I came out of the army, there was quite a number of Cherokee freedmen in the same regiment, 32 in the same company I was in, and we left Leavenworth intending to come back to the Cherokee Nation and I was sick at the time and the convenience of travelling was so bad I stopped at Lawrence and there was a general jubilee in the camp there at that time and that is where I saw old man Tom Ridge in the camp. I was there I guess about two weeks then I left that camp in north Lawrence.

Q Did you meet his wife at the same time? A If I did I didn't know her.

Q You say he lived in Lawrence during the entire time you were there? A Yes sir he was among the refugees.

- Q Was he in Lawrence during the three years you remained there after 1866? A No sir not to my knowledge, the next time I saw Tom was in February the following year may be in March.
- Q Of 1866? A Yes sir to the best of my recollection.
- Q When did you see him next after February or March of 1866? A Next time was down here in the nation.
- Q When was that? A That was I think in '73.
- Q Do you remember about the time he left Lawrence? A He left Lawrence with the boys, they stayed there about three weeks and he come with them. There was Israel Johnson and Jack Nelson and Ike Rogers, they were the boys in the army and besides there was several others, I couldn't call the names now.
- Q Do you know that he went back to the nation or is that hearsay? A They all come on south and I thought that they come here. I found him here but I didn't come with him.
- Q Did you see him any time from the fall of 1866 forward while you was at Lawrence? A No sir.
- Q The next time that you saw him was in 1873 in the nation? A Yes sir.
- Q Where was that? A On California Creek, on yhr creek there, he stayed all night there.
- Q Did you become acquainted with his family at the time you was at Lawrence? A No sir.
- Q When did you first become acquainted with Mary A. Riley, one of the applicants in this case? A It was along perhaps in '74 or '75, I couldn't just say what year but it was something like that when I met this Mary Riley near Bartlesville where she now lives.
- Q You say that was in 1874 or 1875? A Somewhere along there, I couldn't say exactly.
- Q Had they made a place in that neighborhood? A At the time I was acquainted with them they were living on Bartles place where he had a saw mill near the mouth of Snow Creek.
- Q Do you have personal knowledge of their having made a place since that time? A Yes sir.
- Q Do you know where Mary A. Riley lives now? A Yes sir.
- Q Is that the place they first made? A Yes sir that is the only one that I knowed of their making down there.
- Q Do you know any circumstance which induced Tom Riley to leave Lawrence and come to the Territory at the time he did? A The only circumstance that I knowed, the soldiers coming back home he wanted to come back with them to the Cherokee Nation.
- Q At that time did the freedmen who were in Lawrence know of the adoption of the Treaty? A The Treaty wasn't adopted at that time in February, Tom Riley was talking about what they were going to do for they said they were coming back, they were going to take their back and give them rights same as Cherokees.
- Q That was the last time you saw him, in February or March of 1866? A Yes sir.
- Q Before Riley started for the Territory what, if anything, did you hear him say in regard to his residence where he was going to and what for?
- Mr. Hastines: Objected to a hearsay, and a declaration in interest and therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A I didn't see him, was just gting back home that is all, he was talking to them boys, he knowed them and didn't know me.
- Q Did he tell you for what purpose he was going back home? A He just says I am going with you. I had five up going, they were talking there in the camp and he come with the rest of the boys, he left there with them coming south.
- Q Do you have personal knowledge of those soldiers who started actually reaching the Territory? A I seen them since.

- Q The same ones that were in the party that he started with? A Yes sir.
- Q Have you knowledge of their being enrolled as citizens since then, any of these that were in the party with him? A No the persons that come with him have been killed and died out before they got to this roll business, they have been enrolled on other rolls.
- Q How about their descendants? A I don't know whether their cases are settled or not.
- Q When you met Tom Riley in the Territory in 1873 did you have any conversation with him with reference to bringing his family back? A Yes sir he stayed all night and we talked about that trouble.
- Q State to the Commission what he told you? A At the time he was talking to me he said he was going to bring his family here, he didn't want to be going backwards and forwards to Kansas, it was too far, at that time there was several families coming in. From the best I could learn his wife was contrary toward coming back here. They made it so hard for her before they got out of here that she didn't want to come back.
- BY MR. HASTINGS:
- Q You are a colored applicant for citizenship in the Cherokee Nation? A I am a colored man after a white man's rights.
- Q You are an applicant to be enrolled as an inter married citizen? A Yes sir.
- Q Your first wife was also on a doubtful card was she? A Yes sir.
- Q What was your first wife's name? A Emily Dannenberg.
- Q You met her in Lawrence? A Yes sir.
- Q You married her in Lawrence didn't you? A Yes sir.
- Q What year? A '67.
- Q You belong to a freedmen protective association don't you? A No sir.
- Q Didn't you ever belong to a freedmen association? A No sir.
- Q Never did at any kind? A That aint got anything to do with this case.
- Q Did you belong to them? A No sir.
- Q Have you ever belonged to them? A No sir.
- Q You never have in the last 4 or 5 years belonged to any freedmen organization? A No sir.
- Q Who is the President of that organization? A What organization.
- Q That Freedmen Organization? A I don't know anything about it, I have heard lots of time about it but I don't know anything about that.
- Q You never saw Tom Riley in the Cherokee Nation until 1873 or 1874? A Somewhere about that time, yes sir.
- Q That is the first time you have any personal knowledge of his being here? A Yes sir the first time.
- Q Were you ever at his home at Lawrence in 1865 or 1866? A No sir.
- Q Did you ever see his wife in Lawrence in 1865 or 1866? A If I did I didn't know it.
- Q Did you ever see George Hazelrig's wife, now Mary Hazelrig in Lawrence? A Not that I know of.
- Q You saw Tom Riley in 1865, in February, 1865, did you ever afterwards see him in Lawrence? A No sir not to my knowledge.
- Q And you never saw him again until you saw him in 1873? A Here at California Creek.

- 9-
- Q When was the first time you ever saw his wife? A That is the first time I mentioned, somewhere along in '74 or '75 I disremember what time it was.
- Q Were you at their house at that time? A I was at the house they were living in.
- Q Where was that house from Hartlesville now? A Down on the river close to where that wire bridge is on the west side of the river.
- Q How far from Hartlesville? A About two miles.
- Q Did they have other children with them then? A The had one they called Joe that is dead now.
- Q Was Allen or Bony with them? A I don't remember.
- Q Was Mary Hazelrig with them? A I think not she may have been.
- Q That is the first time you ever saw Mary Hazelrig? A I don't remember.
- Q Was she married to George when you first saw her? A I think so.
- Q How many children did she have? A I don't know.
- Q You don't remember when you first saw her? A Somewhere along right after the time that I mentioned to you that I knew the old man on Caney River.
- Q You think that was when Bushhead was run in for Chief? A It might have been, I couldn't say.
- Q What is it you fix this date by? A What date.
- Q At the time you say you fix that by Bushhead's chiefancy?
- A No sir.
- Q Why do you think it was 1874 or 1875? A Because I just left work on the Caney River and that was when I found these women folks.
- Q Did they move from Lawrence down there? A I don't know.
- Q Didn't you hear them say? A No sir.
- Q Did they and Tom come together or who came first? A I saw Tom before I saw the family.
- Q Did you see the Hazelrigs when they come there? A I seed them there.
- Q The first you noticed was George there with his wife, was he?
- A George was there and his wife was there, I don't know whether they come together.
- Q How many children did they have when you first saw them? A I don't know.
- Q Do you know they had any? A There was some children there.
- Q Do you know whether Tom Riley had another girl besides this Mary Hazelrig or not? A I think so.
- Q What was her name? A Julia I believe.
- Q Was she there with them? A Outright there at that house she was then living in a house that belongs to Whiteturfkey now, she was working there.
- Q She wasn't married? A Julia wasn't then, since that she married Musgroves.

STEVEN LITTLE, being first duly sworn, testified as follows:

BY MR. VRASEY:

- Q What is your name? A Steven Little.
- Q How old are you? A I am 80 years old.
- Q Where do you live now? A About two and a half miles north east of Lenapah.
- Q Where was you in the year 1864? A On Snow Creek.
- Q Is Snow Creek in the Cherokee Nation? A Yes sir.
- Q How do you know that you was on Snow Creek in the Cherokee Nation in 1864? A The Osages told me that was the Cherokee Nation.

- Q How do you know it was the year 1866? A Cause I just got out of the army and I come down there to take care of some cattle for Irving and Jackman.
- Q Down in the Territory? A Yes sir to take care of 160 head of cattle for Irving and Jackman down on the Caney at Woodruff crossings.
- Q What time of the year was it that you came to the Territory? A I think April 3rd.
- Q In 1866? A Yes sir.
- Q Did you know Tom Riley in his life time? A I did.
- Q Did you see Tom Riley in 1866? A I seed him there and hoped him build a house.
- Q Where did you see him? A At my house.
- Q On Snow Creek? A Yes sir at my house on Snow Creek.
- Q What time of the year? A It was near about this time may be a little before, but it was going into autumn of the year.
- Q Tell the Commission about helping him build a house? A He come there to my house and he had two badger hides and my boy wanted badger hides and he cut the logs and he told my boy if he would haul the logs together to that to build a house, he would let him have the badger hides, and he took the oxen and drag the logs and about 4 or 5 or 6 days is when we went there to put up a cabin.
- Q Who put it up? A I, myself, Amos Adair, and myself and him.
- Q Who is him? A Tom Ridge.
- Q Is Tom Ridge the same as Tom Riley? A Yes sir.
- Q The same man? A They come to me about Tom Riley and I didn't know anythg about him.
- Q What sort of a house did you put up for him? A A round log house about 12 by 14.
- Q How many rooms? A One.
- Q What sort of a roof did it have? A Board roof, I made the boards.
- Q Did you talk to Tom Riley as to why he was building the house there? A Yes sir.
- Q What did he say? A To take a claim there to bring his family.
- Q Did he tell you where his family was? A He said they were in Kansas, I heard him say that lots of time but I don't know what town it was.
- Q How long did you know Tom Riley after that? A After that I knowed him about ten years.
- Q Did he have a fixed place of living or did he move about? A He went from place to place hunting and trapping.
- Q You say he did a lot of hunting? A Yes sir.
- Q Where did you see him ten years later? A He come to my house going to his sister's.
- Q Who was his sister? A Aunt Grannie Ean.
- Q Where did she live? A Right across the road from me, the Jess Vann place.
- Q Was this in the Indian Territory? A Yes sir.
- Q You have never lived out of the Indian Territory since? A No sir not since I come in it.
- Q Did you see Tom Riley at any time during these ten years? A I don't think I did, I had forgot him when he come to my house and he asked me if I didn't recollect him and I did and he told me then where he had a place at.
- Q Where was he living? A On Caney he said.

BY MR. HASTINGS:

- Q How long did you see him about your place in the fall of 1866?
A He was there off and on, he would come and go to where he made a cabin.
Q Did he stay there a week? A No sir not at my house.
Q I mean in the neighborhood? A Yes sir, he stayed there a month.
Q Then he left the cabin did he? A He left that cabin and I never seen him any more.
Q For about ten years? A Yes sir and he come to my place again.
Q That cabin rotted down there did it? A I couldn't tell you that.
Q Did you live right near there? A I lived near there.
Q About how far from where this cabin was built? A About two miles.
Q You never knew of Tom Riley living in this cabin after he left there did you? A No sir.
Q The cabin rotted down did it? A I think Lane--it was tore down and made a corn crib.
Q You have a daughter by the name of Mariah French, haven't you?
A I have.
Q And she is an applicant for citizenship? A I don't know.
Q Is Agnes Little any kin to you? A She is a daughter-in-law of mine.
Q She is an applicant for freedman citizenship? A I suppose she is an freedman.
Q You are a colored man? A Yes sir.
Q You never saw Tom Riley except that one time as you claim about a month in the fall of 1866 for about ten years? A Yes sir.
Q You never did see his family in the Cherokee Nation or any members of it except he, himself? A No sir.
Q He didn't have any of his boys with him at that time? A No sir.
Q He told you his family was in Lawrence, Kansas, when you first saw him there? A I don't know that it was Lawrence, but it was in Kansas somewhere.

BY MR. VASBY:

- Q Did you continued to live where you first made your place for ten years? A I didn't live there ten years, I lived there about eight years.
Q Then where did you move? A I moved on the Neosho and stayed there four years.
Q Was that where you saw Tom Riley? A No sir that was at my old place on the Verdieris.

ALBY BORDINOT, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Alby Bordinot.
Q How old are you? A I think I am in the roll about 56.
Q What is your post office address? A Nowata.

BY MR. VASBY:

- Q Where was you living in 1866 or 1867? A In '66 I was in Gibson.
Q Was you acquainted with Tom Riley or Ridge during his lifetime?
A Yes sir, I knowed him good.
Q Did you see him during the year 1866, if so where? A I seen him in Fort Gibson.

- Q What time, during the year 1866? A It was along close to Christmas when I seen him there.
- Q How long did he stay in Fort Gibson? A He was there a good while in Fort Gibson, he would go away and come back, he didn't stay there all the time, he was there off and on.
- Q Did you live with him, how did you know about his whereabouts?
- A He lived with me at Spring Creek? A
- Q Did he live with you at Fort Gibson? A No sir.
- Q When did he live with you on Spring Creek? A I can't call the dates of the years, I think it was along in February in '70.
- Q How far is Spring Creek from Fort Gibson? A I think about thirty miles.
- Q Can you tell when you moved up on Spring Creek? A I left Gibson in '70 and went to Spring Creek.
- Q During the time from 1866 when you first saw Tom Ridge until 1870 when you went upon Spring Creek did you see him during these four years? A Yes sir, often and on all the time, he would come and stay awhile and then would go away.
- Q Do you know where he went? A No sir.
- Q Did he have any members of his family with him? A He had his son Joe with him.
- Q When you saw him in 1866 did you have any conversation with him regarding his making the Indian Territory his home?
- Dr. Hastings: Objected to as hearsay and a declaration in interest and therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A Yes sir.
- Q What did he say about it? A Said he had come home to live.
- Q Do you know anything about his owning an improvement in the nation any place? A He had a place upon Possum Creek.
- Q Did you ever see the place? A Yes sir, he just had a little log cabin.
- Q How many rooms to it? A Just one.
- Q When did you first see that? A I seen that, I went to Goosenock Pond in '73, I believe it was.
- Q Was Tom Ridge or Riley with you then? A No sir he wasn't, we built and when they need the family up there he come.
- Q You at one time lived at Goosenock? A Yes sir.
- Q And you say he come there after you moved there? A Yes sir and stayed with us, he would come up and go off and I don't know where he went, he would be gone a week or a month.
- Q Who did he live with on Spring Creek in 1870? A With me and his sister Granny Ann.
- Q You say the first time you saw that cabin was in 1873? A Yes sir.
- Q About how old did it appear to be? A It was such an old cabin.
- Q The Fort Gibson you refer to in your testimony is the Fort Gibson, Indian Territory? A Yes sir.
- Q That is where you first saw him? A Yes sir.
- Q That was in December, 1866? A Yes sir, close to Christmas, I don't know dates.

MR. HASTINGS:

- Q You say you don't know dates very well? A No sir.
- Q What year did they make the Fern-Clifton payment? A I can't tell you.
- Q What year did they make the Wallace roll? A I can't tell you that date either.
- Q What year did the Dawes Commission commence making the roll, what year did you appear before the Dawes Commission to be enrolled? A Last year when they were at Nowata.

- Q Last year? A If it was, I don't know the dates.
- Q I was asking you if you knew the date? A I don't know the date, I couldn't keep it.
- Q It is difficult for you to know one year from the other? A I know one year, but I don't know the dates.
- Q What kin, if any, are you to Tom Riley? A Not any.
- Q You say this cabin looked like a new cabin when you saw it in 1873? A I said it was old.
- Q About how old did it look? A It must have been built about eight months I guess, it wasn't old like logs get when it is built three or four years.
- Q That is when you saw it in 1873? A Yes sir, when we moved up to Cooseneck.
- Q Wasn't anybody living in that cabin? A Not when I first went.
- Q You never saw Tom Riley live in it? A No sir.
- Q You never saw his wife or children live in it? A No sir.
- Q Are you married? A Yes sir.
- Q What year did you marry in? A I married about seven years ago.
- Q Do you know what year you married in? A Time of the payment at Gibson, I don't know the dates.
- Q Have you any children? A One.
- Q What year was it born in? A He is five years old.
- Q What year was he born in? A I tell you I couldn't tell the dates.
- Q You aren't very good on telling dates? A No sir.
- Q When was the first time you ever saw Tom Riley's wife living in the Cherokee Nation after the war? A The first time I ever seen her I was working in Bartlesville when she come home, I don't know the dates of the week or months, but when I come home she was at my home.
- Q What year was that? A I told you I couldn't call the years.
- Q What year did you come home from Bartlesville? A I can't tell you.
- Q You don't know the years? A No sir.
- Q But you saw her at your place? A Yes sir.
- Q Did she have some children there? A Yes sir one or two.
- Q What were their names? A Dog if I know what their names was.
- Q Don't remember even the names of the children? A No sir, cause I didn't stay around there, I was working at Bartlesville and come home and stay two nights and went back.
- Q You don't know the year that was? A No sir.
- Q Is Tom Riley living or dead? A I think he is dead.
- Q What year did he die? A That is something again I can't tell you.
- Q You heard of his death? A I heard he was dead.
- Q But you don't know the date? A No sir.
- Q You are not very good on the dates of the years? A No sir.
- Q Did Mary Riley have a girl when they come there? A Yes sir.
- Q Was the girl married? A When they come down there that girl had two or three children.
- Q When you was working at Bartlesville and come home, you found Tom Riley's wife and daughter who had married there? A Yes sir she had two or three children.
- Q Was George Hazelrig along with them? A No sir he wasn't with them, just them women there at that time.
- Q They were direct from Kansas then? A I guess so, I don't know.
- Q How old was Mary Hazelrig's oldest child at that time? A About four or five years old.
- Q The next one? A The next one must have been three.
- Q And the next, a baby? A Yes sir.
- Q She had three then at that time? A Yes sir.

- Q And there is no way in the world for you to call that date?
A No sir I can't fix that date.
Q You are not good on the dates of the years? A No sir.
Q What did Tom Riley do there about Fort Gibson? A He wasn't doing anything.
Q Just living about? A Just staying around there.
Q You just saw him here and there? A Yes sir.
Q How old was this boy Joe? A He was a grown man.
Q At that time? A Yes sir, bigger man than you.
Q Was he along with his father? A Yes sir.
Q What become of Joe? A He is dead.
Q What year did he die in? A There you commence again.
Q You are not good on dates of years? A No sir I told you.
Q Where did Joe die? A At Bartlesville.
Q How long ago? A It has been a good long time.
Q Then you never saw him for a number of years after that? A I seen him oftener than that.
Q Did Tom Riley ever go back to Kansas and live with his wife?
A If he did, I didn't know it.
Q You was not there to see? A Nosir.
Q You just don't know do you? A If he went back, I don't know it.
Q He might have gone back and you not know it? A Yes sir, but if he did I don't know it.

BY MR. VEAHEY:

- Q Do you remember the close of the war? A I know when the war closed.
Q Where was you? A I was south with Bill Boudinot.
Q Was that in the Cherokee Nation? A In the Choctaw Nation.
Q How long after then did you go to Fort Gibson? A I come to Fort Gibson in February.
Q Of the year the war closed? A Yes sir, I was out there and this man told me I was free and could go home and I says, I am going home.
Q Was that the February of the year the war closed or of the year afterwards? A The same year the war closed I come to Fort Gibson.
Q In February before or after the war closed? A In February after the war closed, he didn't tell me I was free until after the war closed.
Q How many months after February of that year was it before you saw Tom Riley? A I saw him in '66 pretty close to Christmas.
Q How do you know it? A We all were to Tahlequah to hear the Treaty read and it said it was in '66, we all marched down there, Ross was chief at that time.
Q You saw Tom Ridge the same year they read the Treaty in Tahlequah? A Yes sir I saw him the same year they read the Treaty.

BY MR. HASTINGS:

- Q Which Ross was chief? A Bill Ross, I knewed him good.
Q He was the chief at that time was he? A Yes sir.
Q What month of the year was it? A I don't know it has been so long, I didn't keep it.
Q And you didn't keep the date of the year? A No sir.

BY MR. VEAHEY:

- Q Did you see Tom Ridge in the Indian Territory once a year after 1866 until 1873? A I seen hi oftener than that.
Q Did you see him as much as once a year? A Yes sir.

- Q Did you see him every year until he moved to Gooseneak? A I
saw him every year until he moved to Bartlesville, his sister
and another old lady they called Granny Retay and this woman, my
wife, we all stayed in the same house together.
- Q And he stayed with his sister? A Yes sir and now and then he
would pick up and go off, he wouldn't tell me where he went,
and then he would come back.
- Q Did he make his sister's place his home? A Yes sir until he
got that home at Bartlesville.
- Q What took him away from home so much? A I don't know, I know
never knew him to work very much.

BY THE COMMISSION:

- Q When did you first see this Mary Riley and Mary Hinselrig in the
Cherokee Nation? A At Gooseneak.
- Q When since the war? A I can't tell the date, it was along
sometime way late, way after the time when they were there.
- Q Eight or ten years after the Treaty? A I think it was ten
years after we went up there.
- Q During all this time did you state Tom Riley was living there
with you and his sister, did you know where his family was?
- A He said his family was in Kansas.
- Q Did you say that you saw Tom Ridge in the Cherokee Nation from
about 1866 up until 1874 or 1875? A Along there some place.
- Q And he claimed his family was in Kansas? A Yes sir, he would
come here and I don't know where he would go.
- Q You don't know where his family was? A No sir.
- Q And you never saw them in the Cherokee Nation until several years
afterwards? A No sir, he said they were at Lawrence, Kansas.

BY MR. VRASKEY:

- Q Did he ever tell you why he didn't bring his family to the Ter-
ritory? A Yes sir, he wasn't able to.
- Q Did he tell you he wasn't able to? A Yes sir, said when he got
able to he was going to bring his family home.

TOM WALKER, being first duly sworn, testified as follows:

BY MR. VRASKEY:

- Q What is your name? A Tom Walker.
- Q How old are you? A 50 years old.
- Q Where do you live? A At Fort Gibson.
- Q How long have you lived there? A I have lived there about 36
years, maybe 40.
- Q Was you living there in 1866? A Yes sir.
- Q Did you know Tom Ridge or Riley during his life time? A Yes sir
I knowed Tom Ridge.
- Q Did you see him in the year 1866, if so, where? A I saw him at
Fort Gibson at Uncle Johnson's place in December, 1866, sometime in
December.

BY MR. HASTINGS:

- Q What time did you see him there? A It was in the year '66.
- Q What time in the year? A In December.
- Q You never saw him until December, 1866? A That is the first
time I saw him.
- Q Was you living at Fort Gibson all this time before that? A Yes
sir.
- Q You had been living there all the year of 1866? A Yes sir.

- Q And you had never seen Tom Ridge there before that? A No sir.
- Q About how long did he stay there when you saw him? A A week or two.
- Q Then he left did he? A Yes sir.
- Q How many years was it until you saw him again, as much as ten years? A It must have been longer than that.
- Q Well fifteen years? A I can tell you to make you remember, I never have counted it up, it was the time that Mr. Joel Mayes runed against Benge.
- Q That was in 1891 wasn't it? A That was the next time I saw him.
- Q You saw him in December, 1886, as you claim and then didn't see him until 1891? A That is right.
- Q How near Fort Gibson did you live? A About a mile.
- Q You was in Fort Gibson frequently? A Yes sir, sometime I lived closer than that.
- Q Just directly after the war where did you live? A About a quarter of a mile.
- Q How long did you live within a quarter of a mile of Fort Gibson? A Until about 1870.
- Q And you never did know or see Tom Riley any more after December, 1886, until 1891? A No sir.
- Q Did Riley have any members of his family with him? A No sir, he didn't have any folks there, he was just by himself, he was Uncle Johnson Neggs uncle.
- Q His wife wasn't with him? A No sir.
- Q Where was she? A I don't know.
- Q Was she on Spring Creek? A I don't know.
- Q Was she in Kansas? A I don't know.
- Q Didn't have any children with him at all? A No sir just by himself.
- Q Did you know any of his children? A I got acquainted with them after that.
- Q What were their names that you got acquainted with, Jee? A I knowed Jee Riley.
- Q During the war? A No sir after.
- Q When did you first see Jee after the war, did you see him before 1891? A Yes sir.
- Q How long before 1891? A I saw him when they were building that Female Seminary at Tahlequah.
- Q You mean that new Female Seminary? A Yes sir.
- Q You know that was burned down in April of 1887, don't you? A It was before that when I saw him, they built one there---
- Q You mean that colored school? A No a Cherokee school.
- Q That Female Seminary in the north part of town? A Yes sir.
- Q It was while they were building that that you saw Jee Riley? A Yes sir he come from Kansas, the way I understand it some man in Kansas had a contract for building it.
- Q And he come with him? A Yes sir he was a work hand.
- Q Don't you know that the old Female Seminary burned down upon Easter Sunday in April of 1887? A I remember when that burned.
- Q That was it wasn't it? A Yes sir.

BY THE COMMISSION:

- Q Have you been enrolled by this Commission? A Yes sir.
- Q Are you on the 1880 roll? A Yes sir every roll the Cherokees has got.
- Q When was it you first saw this man Tom Riley in the Cherokee Nation? A The first time I saw him was in December, 1886.
- Q You are positively of that? A Yes sir.

- Q How long do you think he remained in Fort Gibson? A About two weeks.
- Q Then what you want to testify is that you didn't see him any more until 1891? A Yes sir, I guess it was 1891, I don't remember, it was the time that Mayes runed against Benge for chief.
- Q And you don't know where he was during that time? A No sir.
- Q You never saw him during that time? A No sir.
- Q Did you ever know his family? A No sir.
- Q Never know them at all? A No sir not then, I got acquainted with Joe Riley.
- Q Did you ever know Mary A. Riley, Tom's wife? A No sir.
- Q Did you ever know Mary Hazelrig? A No sir.

JAMES NEAL VANN, being first duly sworn, testified as follows:

BY MR. YEASLEY:

- Q State your name? A James Neal Vann.
- Q What is your age? A 47 years.
- Q What is your postoffice? A Choteau.
- Q Where was you during the war? A On Grand River.
- Q Who was you living with? A My grand mother.
- Q Who was she? A Nan Foster.
- Q Did you know Tom Ridge or Riley during his life time? A Yes sir.
- Q Did you see him during the year 1866? A Yes sir.
- Q Where and at what time of the year? A It was along sometime close to Christmas, in December.
- Q Where did you see him? A At my grand-mothers.
- Q Did you see him at any other time after December of 1866? A Yes sir.
- Q Where and when? A On Verdigris about in 1874.
- Q Had you seen him any between those two periods? A No sir.
- Q Do you know anything about his owning a place in the Cherokee Nation? A Yes sir.
- Q Where was that? A On Possum Creek.
- Q Did you ever have control or charge of that place? A Yes sir.
- Q When? A 1875 and '76.
- Q Who put you in control of it? A He did.
- Q What sort of a place was it? A A little log cabin and about eight acres in cultivation.
- Q How many rooms to the log cabin? A One.
- Q What sort of roof did it have? A Boards.
- Q Flat boards? A Yes sir.
- Q How long did you remain in control of it? A About two years.
- Q Did you turn it back to him? A No sir.
- Q What did you do with it? A I turned it over to William Woodard.
- Q Who told you to do that? A I got a letter from the old man Tom that told me to do it.
- Q Did you see him any after you had given up control of the place? A Yes sir.
- Q What year? A Every year after that until he died.
- Q Where did you first see him after you had given up that place? A There at my grand-mothers.
- Q When was that about? A '75, '76 or '76.
- Q Did he say anything about his family? A Yes sir.
- Q Did he say where they were? A Yes sir.
- Q Do you know anything about his family finally coming to the Territory? A Yes sir.

- Q When was that? A If I mistake not it was about 1878.
 Q Where did they come if you know? A There to my uncle's and grand-mother's.
 Q What sort of a settlement was that? A A good settlement.
 Q What was it called? A Goosecreek Bend.
 Q When did your grand-mother move there? A In 1873.
 Q Did you move with her at that time? A No sir.
 Q When did you come there? A 1874.
 Q That was when you saw Tom again? A Yes sir.
 Q What became of him after 1878? A They moved out on Caney.
 Q Is that the place near Bartlesville? A Yes sir.
 Q Where the old lady is now living? A Yes sir.
 Q You know Mary A. Riley? A Yes sir.
 Q Was she the woman that was said to be the wife of Tom Riley?
 A Yes sir.
 Q What sort of a fellow was Tom Riley, of a roving disposition?
 A He travelled a right smart.
 Q How old was you when you saw Tom Riley in 1866? A I don't know
 I must have been 12 or 13 years old.
 Q You don't know exactly? A No sir, I was big enough to drive a
 team to Kansas.

MY MR. HASTINGS:

- Q What year was you born? A I don't know.
 Q What year was you married? A In 1874.
 Q You never saw him from 1866 until 1874? A No sir.
 Q How long did you see Tom Riley in 1866? A He didn't stay at
 grand-mother's very long.
 Q A week? A Yes sir, I guess longer.
 Q About what time of the year was that? A Along about Christmas
 or before.
 Q Do you know whether he went back to Kansas or not? A He went
 up the river, I don't know.
 Q Kansas was up that way? A Yes sir.
 Q And you never saw him any more until 1874? A No sir.
 Q He told your people that his family was in Kansas at the time?
 A Yes sir.
 Q He never had any members of his family with him? A Not at that
 time.
 Q When did you first see the members of his family in the Terri-
 tory? A I think it was about 1878.
 Q Did you see George Hazelrig and his wife? A Yes sir.
 Q That was in 1878? A Yes sir.
 Q The year they came from Kansas? A Yes sir.
 Q How many children did Mrs. Hazelrig have then? A I think three.
 Q They were born in Kansas? A Yes sir, I think so.
 Q George Hazelrig was a state raised man? A Yes sir.
 Q He had never been in the Territory before? A Not as I know of.
 Q Their mother, Tom Riley's wife, had remained in Kansas until
 1878 so far as you know? A Yes sir.
 Q You turned that cabin over to William Woodard? A Yes sir.
 Q What finally became of it? A The best of my understanding
 George Lane got hold of it, but I don't know how.
 Q Who broke out that 8 or 10 acres? A I couldn't tell you.
 Q Tom Riley didn't did he? A I don't know, it was there when I
 moved there.

- Q You wasn't there when you moved? A No sir.
Q He was in Kansas? A I don't know.
Q Didn't he write you a letter from Kansas to give this place over to Mr. Woodard? A Yes sir about 1876.
Q He wrote you from Lawrence? A Yes sir he had been there, he made a crop with my grand-mother.
Q You didn't see that? A Yes sir I did.
Q You said you didn't see him from 1866 until 1874? A Yes sir I said so, but you didn't ask me how long after that that I saw him.
Q How long was it? A He stayed there with my grand-mother in 1876 and made a garden.
Q Did he come from Kansas down there then? A I don't know.
Q Did he tell you his family was in Kansas? A Yes sir.
Q When he wrote about this place he wrote from Lawrence, Kansas, did he? A Yes sir.

BY MR. VEASEY:

- Q Do you know why he was making that crop at that place? A Yes sir
Q What was it? A For his family he said.
Q What do you mean by that? A So that when they came it would be something for them to go on.
Q Are you on the 1880 roll? A No sir.
Q Did you ever have a conversation with Tom Riley about his being on the 1880 roll? A Yes sir.

BY THE COMMISSION:

- Q Are upon any one of the rolls of this Commission? A Yes sir.
Q Has your enrollment been approved by the Secretary of the Interior? A No sir.
Q You are an applicant for citizenship here before the Commission?
A I got a straight card when they enrolled me.

The hearing of this cause was here adjourned until

November 15, 1904.

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NOVEMBER 15, 1904.

APPEARANCE:

For Applicants, Gutshins, Murphy & Veasey.
For Cherokee Nation, its attorney, W. W. Hastings.

MARY E. ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Mary E. Acher.
Q What is your post office address? A Lawrence, Kansas.
Q How old are you? A 61 last June.
Q How long have you lived in the vicinity of Lawrence, Kansas?
A Since April of 1864.

- Q Where were you living during the war, did you live in the town?
A During the war I lived in Illinois, in 1866 my father moved to Kansas the 12th day of October, he landed in Coffee County, Kansas.
- Q Is that the county in which Lawrence is situated? A No sir in the spring of 1866 we moved. April 1, 1866 we moved to Lawrence.
- Q Did you move to the town? A Yes sir, April 1, 1866.
- Q How long did you continued to live in the town? A I lived there from April 1st to October 1st and then we moved in the Delaware reservation.
- Q What was your father's name? A C. C. Coble.
- Q How long did you live upon the Delaware reservation? A I lived there from October 1, 1866 until June, 1867.
- Q Where did you move then? A Back to Lawrence.
- Q Had you married in the meantime? A Not until 1868, March 4th.
- Q How far was this Delaware reservation from Lawrence? A About four miles.
- Q Across the river? A I lived on the north side and didn't cross the river to get there.
- Q Near what river? A Kaw River, it runs right through Lawrence, and I lived on the north side.
- Q Did you know a colored man by the name of Tom Riley? A I did.
- Q Did you know his wife, Mary? A Yes sir.
- Q Where did you know them? A I knew them on the Delaware reserve, I engaged Mary Riley to do our family washing there, October last or first of November, 1866.
- Q Did they live there? A They lived on the Indian reserve, yes sir, right at the foot of Sarcoux hill.
- Q Had you known them before? A No sir that is the first year that I saw them.
- Q Did they have any other members of the family? A They had a daughter, I remember very well they called Sis, I don't know her other name, and a son called Bony. They called the girl Sis, I was extraordinarily acquainted with the old lady because she sister belonged to us.
- Q You knew her husband? A Yes sir, I knew him.
- Q How long did you continue to know Tom Riley and his wife? A I knew them right along from the time of November 1st or October last 1866 until June, 1867, then I went back to Lawrence and I knew no more of them until I was married and moved again on the Indian reserve.
- Q When was you married? A March 4, 1868.
- Q And then did you move back to the Delaware reserve? A I married and moved back to John Sarcoux's house, he was the Chief of the Delaware.
- Q Did you find Tom Riley and his wife there then? A Yes sir they had moved from the little house he lived in across the road.
- Q About how far had he moved? A Not over a quarter of a mile, maybe not that far, just a little ways from where I lived. Mrs. Riley was in my house on the date after I went to house keeping and I saw them from then on.
- Q Did you see the husband frequently? A Yes sir and the boy.
- Q How long did you continue to know this family after you was married? A I moved away from there March, 1870, and I didn't know anything of them after that, I lost trace of them then. I moved back to Lawrence and am living there yet.

- Q Did you see them any time after that in Lawrence? A I don't remember that I did, I don't remember.
- Q Do you know whether they had moved over to Lawrence before you left or not? A It seems to me that I left them on the reserve, I moved in the spring.
- Q Did Tom Riley live there with his wife all this time? A He did, they lived all together to the best of my knowledge.
- Q Did you ever miss him from his family any length of time? A No sir I never heard of it if he went away.
- Q You say the woman did your family washing? A Yes sir did my father's family.
- Q Did they wash for you after you was married? A Yes sir, one time, she washed some bed clothes for me after I married.
- Q About how far did they live from you before you was married? A About three quarters of a mile, I lived on Turkey Creek and they lived on Mud Creek, I think about three quarters of a mile.
- Q How far did they live from you after you was married? A Couldn't have been over a half mile or three quarters of a mile at the outside.
- Q And they lived there all the time you stayed? A All the time I stayed there, they lived at these two places.

BY MR. MURPHY:

- Q What is your age? A 61.
- Q When was you first married? A 1868.
- Q In what year was you born? A 1848, wouldn't that make me 61 this last June or would it.
- Q You was how old when you was married? A I was married March 4, and I would have been 25 on June 16th.
- Q Who was it that washed for you after you returned to Lawrence in 1868, after this woman, the wife of Tom Riley washed for you once?
- A Mrs. Riley washed for me once after I married.
- Q Who washed for you then after that? A A woman by the name of Fenimore.
- Q How many times did she wash for you? A All the time I lived on the reservation.
- Q Do you now remember how many times this Mary Riley washed for you before you went away? A She was our regular wash woman in the fall of 1866 and the spring of 1867 until June.
- Q What month in 1866 did she commence working for you? A In November.
- Q What day in the month? A I can't call the day, either the very last of October or first of November.
- Q Is there any other fact that you can recollect in October or November, 1866, 20 years ago? A None only that she was our general wash woman when we wanted washing done.
- Q Did you have any other servants? A None.
- Q Have any one else working for you? A No sir.
- Q And she lived three quarters of a mile from you? A As near as I can remember, yes sir.
- Q What was the business of your father? A They had a contract of getting out ties for the Southern Kansas Road.
- Q You lived in the timber? A Yes sir.
- Q Were there other negroes in the vicinity? A There might have been, I wasn't acquainted with them then.
- Q How did this Riley spell his name? A I can't tell you about that for I don't know, they went by the names of Tom and Mary Riley.
- Q Which was the older, Tom or Mary? A I couldn't say that for I am not good at judging ages, I suppose he was the oldest, he was quite an old gentleman.

- Q How old was she? A I couldn't say, just how old, her children were grown nearly.
- Q He never worked for you? A None but the old lady.
- Q And they lived three quarters of a mile from your home? A Yes sir.
- Q What was he doing? A I suppose just general work.
- Q You don't know what he was doing? A No sir, just working around.
- Q How far did you live from the Indian Territory line? A I don't know.
- Q How far? A I don't know, I lived about four miles from Lawrence.
- Q What county is that? A Douglas County.
- Q Did this man Tom Riley ever go by the name of Tom Ridge? A Not to my knowledge.
- Q Do you recollect the name of any other colored family in that neighborhood at that time? A A family by the name of Spence Bell, but in my girlhood I didn't know them.
- Q You didn't associate with these people? A No sir.
- Q He may have worked at different places and distances from his home? A He might have, I didn't keep track of him.
- Q You was concerned of her? A She was the one I knew best.
- Q Wasn't he of a roving nature going about the country and hunting and fishing? A I don't know she was the one I knew most about.
- Q For aught you know he may have been away for several months at a time? A I don't know whether he went or not, I didn't keep track of the family.
- Q There were many people in the locality that you was acquainted with as well as this family? A No sir not much.
- Q There was a neighborhood of people there? A No sir, mostly Indians and the colored people.
- Q How many white families in your immediate neighborhood? A Only one that I remember.
- Q You didn't keep in touch with the Indians and colored families there? A No sir not much.
- Q You was not concerned whether Tom Riley was in the Indian Territory, Nebraska or Missouri? A No sir.
- Q So far as he was concerned he was a great fellow to be away from home wasn't he? A I couldn't say about that, I never remember of her saying he was away.
- Q Did you ever hear them discuss their rights as Cherokee freedmen? A No sir.
- Q You knew he was in the army? A If I knew it, I have forgotten it.
- Q Whether he was or wasn't you remember about the soldiers coming there do you in 1865 or 1866? A I wasn't there in 1865.
- Q Well 1866? A I remember about the soldiers camping at my place but it seems to me it was later than that, I know it was, it must have been in the fall of 1866.
- Q The soldiers returned from the war in 1866? A They were going to Fort Riley.
- Q I am speaking of the soldiers engaged in the war between the states? A I don't know about that.
- Q Tom Riley didn't concern you at all? A No sir.
- Q He may have come to the Indian Territory and stayed several months for aught you know? A I don't know anything about that.
- BY MR. HARTDUG:
- Q You never did miss him from up there? A No sir I never heard of his being away.

BY MR. MURPHY:

- Q And yet that might have occurred and you were not concerned about this colored man? A Not very much.
- Q He may have been away six months and you not remember it? A I didn't keep track of him.
- Q He might have been away for six or eight months for aught you knew? A Yes, but I never heard of it.

BY MR. HASTINGS:

- Q You never missed him away from there at any time? A No sir.
- Q And if he was away you never heard her speak of it? A No sir.

DAVID ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A David Acher.
- Q Are you the husband of the lady who just left the stand? A Yes sir.
- Q When was you married to her? A On the 4th day of March, 1868.
- Q Where had you lived previous to that time? A My home was in Lawrence, Kansas, but I was through the country a great deal at different places.
- Q How far did your wife's father's family live from Lawrence at the time you married? A About six miles.
- Q Was that section of the country designated by any name? A They lived at what was called Fall Leaf at the time.
- Q Was there any Indian reservation out there? A It had been extinguished at that time, I think the title was extinguished about 1864 or 1865.
- Q After you was married in 1868 where did you go to live? A We moved into a house near Mr. John Sarcoxie.
- Q Who was he? A A Delaware Indian.
- Q Was there any Delaware land there? A The title had been extinguished but they hadn't got away. He was expecting to go away from there and come down here.
- Q You went to live there with him? A Yes sir we went into the house with him, and were there ten or twelve days before they got away.
- Q Did you know a colored man by the name of Tom Riley? A I knew the Riley family, that was the name they were supposed to go by.
- Q Did you know him by that name? A I don't know that I heard that name mentioned, they called him old man Riley.
- Q Did you know his wife's name Mary? A No sir.
- Q Did you know the other members of his family? A I knew a young man who went by the name of Benny Riley, and a young lady that generally went by the name of Sis Riley at that time, I don't know what her real name was.
- Q When did you first learn to know this family? A I heard of them as soon as I moved into the neighborhood, they lived on the same piece of land I was going to farm, probably three quarters of a mile from where I lived to where their shanty was, I didn't go there until April or May.
- Q Of what year? A 1868.
- Q But you found them living there in March, 1868? A Yes sir.
- Q About the month after you moved there? A Yes sir, sometime along in April or May after I moved.

- Q You found them living there? A Yes sir, in a shanty about four miles east of Lawrence.
- Q How long did you continue to know old man Riley; and his family living there? A They were there when I left the place in the latter part of March, 1870, we moved back to Lawrence.
- Q Did you have occasion to see old man Riley before during that three or four years? A Yes sir I saw him frequently.
- Q How far did you live from him? A About three quarters of a mile.
- Q You think you left him there when you moved to Lawrence in 1870?
- A I am pretty sure the family was there.
- Q Do you remember seeing the old man himself frequently? A I can't say positively that I saw him every time I went by there, I went down occasionally in the woods getting some cord wood out, and the railroad went by the shanty pretty close, probably eight or ten rods, sometimes I would see the old man about the shanty and sometimes I wouldn't.
- Q Did you ever miss him or know of his running away from that neighborhood during that time? A No sir I never heard of it, I never heard anything about it.
- Q If he ever left during that time you never knew of it? A No sir.
- Q Your attention was never called to it if he left? A No sir, I never had any particular business with the family.
- Q And you never missed seeing him for any length of time?
- Mr. Murphy: Objected to as slightly leading and suggestive.
- Commission: Objection noted, witness will answer.
- A No sir I don't think I did, I don't know that I saw him every time I passed by there.
- Q But your attention was never called to his being gone? A No sir.
- BY MR. MURPHY:
- Q When did you first know the Rileys? A Along about April or May of 1868.
- Q When was you married? A On the 4th of March, 1868.
- Q And shortly after that you knew of the Riley family? A Along sometime during the next month or so.
- Q You say that was about four miles from Lawrence? A The shanty was about four miles.
- Q How far did you live from them? A About three quarters of a mile.
- Q Nearer to Lawrence or farther away? A Nearer to Lawrence, they were southeast from the house where I lived.
- Q When you went to Lawrence you didn't go by this place? A No sir.
- Q Lawrence was your marketing place and trading place? A Yes sir.
- Q The only one in that country? A Yes sir.
- Q You didn't have to go by his place to Lawrence? A No sir.
- Q You didn't have occasion to go by his place frequently? A I don't know just how frequently it was, I was taking charge of all timber there for the parties that claimed the place.
- Q You never troubled the timber did he? A Not so much the timber as the cord wood.
- Q Was he much of a worker? A I don't know about the old man, I never saw him work.
- Q You was more concerned about the woman, was you not, Mrs. Mary Riley? A I don't know as I ever saw her.
- Q Didn't she wash for you people? A She washed for my wife's folks before I was married.

- Q Did she ever wash for you after you was married? A No sir.
Q Never did? A No sir, we didn't have any darkey with the family.
Q You never had them around at all? A No sir.
Q You know the family lived there just as other families lived there? A Yes sir, just passing around.
Q Of course this colored family didn't move in your society at all?
A No sir.
Q Tom Riley was kind of a fisherman wasn't he? A I don't know.
Q Never could find out? A I don't know as I ever heard any one say whether he did anything of the kind or not.
Q You didn't know just when he went away from home and come back?
A No sir.
Q For aught you know he might have gone to the Indian Territory, Cherokee Nation south of where you lived and built him a house there and stayed a few months and returned without you knowing it? A It is possible, I don't know, I never kept any track of him, what he was doing.
Q You knew the woman and Bony and the children more than you knew him? A I knew them all just about the same.
Q Isn't it a fact that you have recalled the names by becoming refreshed since rather than remembering it through the 36 years?
A I have never thought very much of it in fact never thought anything of the family until my memory has been refreshed in regard to it.
Q You don't remember the names of any other colored family and children that lived there 30 years ago? A No other colored family lived on the place.
Q But in the neighborhood? A There was a family by the name of Ball lived there.
Q Did you know his first name or any of the children? A Spence Ball.
Q But the children? A They had no children.
Q Do you remember his wife's name? A No sir.
Q Do you remember the Sarcoxies? A Yes sir.
Q What were their names? A I don't know, the old gentleman's name was John Sarcoxie, he was the one I lived in the house with, I don't know what his wife's name was.
Q And they lived in the house with you? A Yes sir.
Q How long? A About ten days, from the 4th of March until, I think about ten days.
Q You don't recall the woman's name that lived in the house with you, the colored woman's name? A All the name I ever heard for her was Ann.
Q They were Indians? A Sarcoxie was pretty near white.
Q You didn't know Tom Riley in 1866 or 1867? A I didn't.
Q For aught you know he may have spent those two years in the Cherokee Nation? A Yes sir he might have been away from there, I had no knowledge of the family up until the time I moved there.
Q You didn't know them yourself until 1868? A No sir.
Q Did you know of any other Riley's in that country, colored people?
A I think not.

W. R. SMITH, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A W. R. Smith.
Q What is your age? A 71 years past.
Q What is your post office address? A Lawrence, Kansas.

- Q How long has Lawrence, Kansas, been your post office? A Since 1896.
- Q Where did you live during the war and the first few years after the war? A During the war I lived in Coffey County, Kansas, entered the service there.
- Q And where did you live at the close of the war? A In 1866 I moved to Lawrence, Kansas.
- Q How long did you continue to live in Lawrence at that time? A Lived there about a year and a half.
- Q Where did you go to from Lawrence at the end of the year and a half? A I went to Leavenworth County on the Delaware reserve.
- Q How far was that from Lawrence? A About four miles.
- Q About what time did you move out to this Delaware reserve? A I moved there the first of April, 1868.
- Q Out on the Delaware reserve? A Yes sir.
- Q Did you afterwards move to town? A Yes sir, but the next move I made was two miles northeast of there and I lived there until 1896.
- Q You said about a year and a half after 1866 you moved out on the Delaware reserve? A Yes sir, I moved April 4, 1868.
- Q Did you know a colored man by the name of Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q When did you first learn to know them? A In the spring of 1867, a year before I moved there, they were then living at that point.
- Q At what point were they living? A About four miles east of Lawrence at Sarcoxie Hill.
- Q How did you come to know the Rileys in 1867? A I leased a piece of land from the Sarcoxies and cultivated a crop on their lands in the summer of 1867, and that is when I got acquainted with them.
- Q How far did they live in 1867 from the land you leased and cultivated? A About a quarter of a mile.
- Q You say then that you moved out there in 1868? A Yes sir.
- Q And you say the Rileys had moved what distance in the meantime? A Yes sir, about a half mile further down in the timber.
- Q How far did that make them from where you moved to? A About three quarters of a mile.
- Q Did you move out upon this same land you had cultivated in 1867? A Yes sir the land I cultivated was the Sarcoxie homestead, that particular eighty, but there was another large tract of land a gentleman in Lawrence had control of and I had the two in connection.
- Q You had supervision over them? A Yes sir from sometime in 1868.
- Q Up until when? A Until 1873, about five years.
- Q You say that you knew old man Riley out there in 1868 when you moved out? A Yes sir they were right at those two places all that time.
- Q Did you know any other members of his family? A Yes sir.
- Q Did you know their names? A There was one boy called Bony, he went there by the name of Henry, it was said his name was Allen, but I never knew him only by Bony a boy from 16 to 18 years old.
- Q Did they have any girls? A Yes sir had only called Sis.
- Q Did they have any other boys that you recall? A Yes sir I remember one morning I dropped there on business with the old man and I saw a younger one than Bony sitting on a log there, and I saw him at different times around, and it was generally understood that he was a member of the Riley family, and I think there is another but I am not sure.

- Q Did old man Riley ever work for you? A No sir, he may have done odd jobs but I don't recall that he did.
- Q He never did any continuous work for you? A No sir he was a tenant on the place there.
- Q Cultivated a crop? A A little crop, yes sir, ten or twenty acres.
- Q What year was that? A In 1868 and 1869.
- Q Do you know whether he cultivated a crop in 1867 or not? A He didn't have much of a crop, he had a patch he leased from the Indians.
- Q And he cultivated a crop in 1868? A Yes sir in 1868 and 1869.
- Q Did you have occasion to see him frequently? A Yes sir every day almost.
- Q Did you ever hear of his being away from there during those years of 1867 frequently, of 1868 and 1869? A It was possible for him to have been away a week or for days, but not more than that.
- Q You never missed him away from there? A No sir, understand me, he may have been gone for a few days, I can't recall it now.
- Q Do you know where this family went to from there? A They went to Lawrence.
- Q Did you ever afterwards see him in Lawrence? A Yes sir he and the boy Remy at different times.
- Q Do you know how long you continued to see him in Lawrence? A Not positively but some two or three years I should think.
- Q You never was at their house in Lawrence? A No sir.
- Q How far did they cultivate land from where you did in 1868 and 1869? A It was only a short distance, the owner of the land had laid it off in ten acre blocks, and he had one or two blocks.
- Q A part of this same land you had supervision over? A Yes sir, I cultivated a crop there myself.
- Q And he had part of the same land that belonged to the same man? A Yes sir.
- Q That is your occupation? A Farmer, of course I haven't done much of it in the last six or eight years, I live in town.
- Q Was you in the army? A Yes sir.
- Q The Union army? A Yes sir, but in three years.
- Q Are you a citizen of the United States? A Yes sir I think I am, I feel that I am, if I am not I am without a home.

BY MR. WATKINS:

- Q What is your name? A W. R. Smith.
- Q When did you return from the army in the war between the states? A Mustered out at Leavenworth in November, 1865.
- Q Were there a number of regular companies and regiments there Mustered out? A Yes sir several.
- Q Were there any in 1866? A That is quite possible, I can't recall it and my location would not have given me an opportunity to know, I can't answer but probably there was.
- Q Was you acquainted with the soldiers who fought on the Union side from the Indian Territory and know where they were Mustered out at the close of the war? A I know one colored regiment.
- Q From the Indian Territory? A No sir not from the Indian Territory.
- Q Do you know of any of the colored people who fought on the Union side being Mustered out at Leavenworth, Kansas, about 1866 and 1867? A I know one regiment that was organized in Kansas.

- Q Do you know the colored soldiers that fought on the Union side, were they mustered out at the close of the war, those from the Indian Territory? A There may have been colored soldiers there in this regiment that belonged and I think were in the 79th, there were some I presume from this Territory.
- Q From the Cherokee Nation? A Yes sir and other nations in the Territory.
- Q They would naturally enlist there and be mustered out there?
- A Yes sir those were mustered out at Denverworth in November, 1865.
- Q You didn't know this man Riley and his family until 1867? A The spring of 1867.
- Q Where was you living at that time, when you first knew them?
- A In Lawrence.
- Q How far from Lawrence were they living? A About four miles.
- Q How often did you see them during the year 1867? A I couldn't answer exactly, but some weeks every day most.
- Q Was you running around in that neighborhood at that time? A Yes sir, from the Sacoxies in the summer of 1867, I made my residence in Lawrence.
- Q This man didn't work for you did he? A I don't recall it.
- Q Don't you recall his son Bony and the women people did the most of the work there around the home on this little tract of land they cultivated? A They did the work I presume, of course.
- Q The old man didn't do much did he? A He done to my recollection about as much as any, but when it come to cultivating that tract of land, the old gentleman didn't do much of that I think.
- Q He was more of a rambling nature, didn't he do hunting and trapping? A I don't recall it though it might have been.
- Q You didn't have such relationship with these colored people that you would know of their going in and coming back? A They might have been away from there a week at a time, but I don't recollect it.
- Q The family might have lived there, the boys and girls be there, and the old man away for months and you not know it? A I don't think that was probable.
- Q And during the year 1868 that might have been true wouldn't it?
- A I don't think so.
- Q They lived farther from you in 1868 a half mile, and you didn't see them so frequently? A I don't think there was any difference.
- Q But they had moved farther away from you a half mile? A Yes sir.
- Q And lived there in the timber? A Yes sir.
- Q You didn't know anything about this man Tom Riley in 1866? A No sir.
- Q Nor during January, February, March and April of 1867? A Not until the crop season of 1867.
- Q Mr. Tom Riley might have been down in the Indian Territory in 1866 and up to probably as late as April, 1867 for aught you know? A I couldn't answer that, I don't know.
- Q There was no occasion for your knowing of his coming away and going back any more than any other colored family that lived near? A No sir, after they left there in 1870 as I stated before I only saw the old gentleman and the boy occasionally for two or three years in the city.
- Q And he might have during that time had a home in the Indian Territory with his sister and been down in there and returned? A He might have done that after 1870 after he left the farm.

- Q He may have been away all of the year 1866 and up to April, 1867, and they may have been away for months at a time in the latter season you know him in 1870? A No not for months in 1870.
- Q Two or three months? A I think that wasn't possible.
- Q Where was you living in 1870? A At this same place.
- Q When did he move to town? A In the spring of 1870 to my best recollection.
- Q Then there was two or three months at a time that you didn't see him? A Yes sir.
- Q In 1866 you didn't see him at all? A No sir.
- Q Then up until the early spring of 1867 you didn't know him? A No sir.
- Q During the time prior to your knowing him in the early spring of 1867, he could have come to the Cherokee Nation, Indian Territory? A I don't know anything about that.
- Q If he moved to town in 1870 and you lived in the country he could have come to the Territory and been here at various times for two months at a time and you not know it? A After 1870 I only saw him occasionally.
- Q And during that time he may have come here? A Yes sir and ~~xxxxx~~ ~~xxxxx~~ a great deal of time in the Territory so far as I know, I saw him occasionally up there after 1870.
- Q Do you recall any other colored family in the neighborhood at that time? A I don't know that I can, there was a colored family by the name of Andrew Barnett.
- Q Did you know his wife's name? A No sir.
- Q His children? A No sir.
- Q Or when he moved? A No sir.
- Q Or how long he lived in one place? A He was there, and I am able to recall another colored family.
- Q You don't remember the name of any other? A One other colored tenant there I believe.
- Q Do you know of the son of this man Riley by the name of Joe? A No sir, I have heard of him but never know him.
- Q He didn't stay at home? A I don't recall him, he certainly couldn't have been there without me seeing him, there was another son ~~xxx~~ but I don't know whether he was a stepson or not, I think there was another one that belonged to the wife.
- Q He didn't stay at home? A I don't recall seeing him.
- Q Did you know a daughter about ten or twelve years old at that time by the name of Mary? A No sir, I only recall one and she went by the name of Sis, her age I don't know, she worked around for people, I think perhaps she was a seamstress.
- Q That daughter? A Yes sir.
- Q How old was she? A She must have been anywhere from 17 to 20, I don't know, I can't recall her age.
- Q When did you first recall this old instance of 38 years ago? A Some people dropped down in our town.
- Q Who were they? A Mr. Paramore.
- Q Coming there with reference to your testimony in this case? A Interviewed me, Joe sir.
- Q And your recollection has been largely refreshed by talking it over since that time? A It was all very vivid to me at the start except one item, to name, may have been refreshed on that point, that is the date of Riley's leaving, 1869 or 1870, at first I doubt whether it was 1869 or 1870, but I am now satisfied that it was 1870.

- Q When you was first interviewed about it you had, however, to be refreshed before you could recollect these old matters? A In so far as cultivating that crop in 1867 on the Sarcoxie homestead and at the time that they left. They left that locality under circumstances that would cause me to remember it all my life, I didn't need any refreshing on that.
- Q Are there any other parties that you recall that happened about that time that happened with reference to any other colored family that you can now name? A No sir, I can't recall another colored family that was on that tract of land at that time except this man Barnett.
- Q I mean in that vicinity, neighborhood? A Yes sir, a little later on about that time there was a colored fellow that lived in the neighborhood by the name of Bell.
- Q Did you know him yourself? A Yes sir.
- Q What was his wife's name? A I don't recall it.
- Q How many children did he have? A I don't know, they had some.
- Q Do you know the names of the children? A No sir.
- Q Do you remember when they moved into that neighborhood? A No sir not positively, might have been 1868 or 1869.
- Q And do you know how many acres of land he cultivated? A No sir he wasn't on this tract of land.
- Q Do you remember when he moved away? A No sir not positively yet that old fellow did some work for me.
- Q How frequently did you see his family? A Not often.
- Q How many people have you talked over these old matters with since 38 years ago, since you have thought of coming here to testify?
- A Not but two and that very limited.
- Q Some of the neighbors? A Mr. Acher and wife, they are relatives of mine.
- Q You exchanged views and recollections about it? A On nothing where there was no disagreement except in 1868 or 1869 at the time they left.
- Q Did you recall readily these names of the children? A I recalled the one known as Sam, I came in contact with him.
- Q You recall Sis? A I remember seeing her.
- Q And you recalled the name of the wife of Riley? A I would not swear that Mr. Riley's name was Mary or any other name, she was there but I don't recall her name.
- Q The fact is that you hadn't thought of this matter for 38 years?
- A Yes sir, there had been two or three times in that time meeting up with parties who had lived there and we talked of this old matter but not except in a general way.
- Q You would not discuss the relationship of a colored family in meeting your old friends there? A Not likely to but I know of an incident or two in this case that we would be liable to do it but I don't recall that we ever did.

BY MR. MARTINUS:

- Q What special incident was it about their moving that you recall would cause us them to move? A The conduct of the family, what you might call business management was such that all citizens, especially on the part of the young men, the citizens of that neighborhood could not stand it.
- Q In other words it was an objectionable family? A Yes sir.
- Q Did you ever hear old man Riley speak of where he came from?
- A I can't recall that I did.
- Q Did you ever hear him say to whom he belonged? A I never did.

BY MR. MURPHY:

- Q This objectionable feature you speak of had reference to the boy did it not? A Yes sir.
- Q And not to the father or mother? A Just the boy, the father shielded him.
- Q The father or mother did nothing that was reprehensible that you wanted to get rid of them? A As a matter of fact I don't know any had act on the part of the old people but they upheld the boy, kept him there.
- Q Most parents do that? A It is right to a reasonable extent I presume, it is a natural propensity.

BY THE COMMISSION:

- Q Will you give me an idea as to the first time you got acquainted with them, what time of the spring of 1867? A Along in the month of April.
- Q That is your best recollection? A Yes sir.
- Q You knew them out there four miles from Lawrence until 1870?
- A Yes sir.
- Q That is what you want to testify is it? A Yes sir.

RACHEAL WARE, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Rachel Ware.
- Q What is your post office? A Lawrence, Kansas.
- Q How old are you? A I don't know exactly they didn't give it to me when I was young and I didn't get it.
- Q You was a slave before the war? A Yes sir, a child.
- Q Did you live in Lawrence during the war? A No sir.
- Q When did you come to Lawrence? A I come right after the raid had here had at Lawrence.
- Q Was you there at the close of the war? A Yes sir.
- Q Have you lived in Lawrence ever since? A Yes sir, this book will tell you how long I have lived there.
- Q This bible? A Yes sir.
- Q Did you know a colored man and his family whose names was Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A I just don't exactly know her name, but I know then, I know the childrens names.
- Q Did they have some children? A Yes sir.
- Q What were their names? A One Beny, one was named Mariah, they call her Mary here I understood, and they had one named Bettie and one named Joe Riley.
- Q Where did these people live when you first became acquainted with them? A They lived over the river but I don't know just where over there.
- Q Did they ever move to Lawrence? A Yes sir they moved to Lawrence but where they moved from I don't know, they moved to Lawrence from over the river.
- Q How far from you did they move when they moved to town? A Right in my house when they moved.
- Q You had seen them before had you? A Yes sir I had seen them before.
- Q How long had you seen them before that? A Quite awhile but didn't keep account of the time.

Q But when they moved to your house you did keep account of it?
A Yes sir.

Q You don't know anything about this,? A No sir I didn't cause I didn't keep account I could have but didn't do it.

Q Is there any record or anything by which you can tell when the Rileys moved into your house in Lawrence? A I tell you I don't know the exact date they moved in my house, but I know when they moved, they didn't stay there long only until they could get a house, about a month or something like that, we had two rooms and I let them in my house.

Q You say you have some data by which you can tell when they left there? A Yes sir.

Q What is that? A I will tell you when they left my house, my child was born, about seven months old, and it was sick and when they moved out it died in a week after they moved out, and it is right here, I had everything put down about my children and marriage in my bible.

Q And that child was alive when they were there? A Yes sir.

Q And it died in a week after they left? A Yes sir.

Q Did you have put in this bible the date of the death of your child? A Yes sir.

Q What was the name of that child? A Frederick Ware.

Q Can you read? A No sir.

Q Is this record in your bible here? A Yes sir and it is correct.

Q This is your family bible is it? A Yes sir.

Q Was this date placed in there about the time of the death of the child? A Yes sir it was placed in there then.

Q And the record that is in this bible here is the record of the death of this child that you refer to? A Yes sir.

Q Can you read it? A No sir.

Q But that is the record? A Yes sir cause I got it put down straight.

Mr. Hastings: I desire to offer in evidence the bible referred to by the witness and ask that the record of the date of the death of Frederick Ware, the child referred to, be copied and made a part of the record in this case.

Mr. Murphy: The attorney for the applicant asks permission before the record is received to cross examine the witness with reference to this bible.

Commission: All right go ahead on that proposition.

BY MR. MURPHY:

Q Who wrote this in this book? A The minister, I don't know whether it was Lee or not, it has been quite awhile.

Q What was this child's name that died about this time? A Frederick Ware.

Q You don't remember who wrote this in here? A Not exactly I had a minister do it.

Q Do you recall the name of the minister? A I can't remember that hardly, I don't think of that.

Q It is the one you had before you came down here is the minister that entered this? A He isn't here I could have gotten his name but he is gone now.

Q How many years has he been gone? A Quite awhile.

- Q How long after this child died did he put this down here? A Right away after it died.
- Q Did you have these other entries made in here at the time you made the first one? A No sir only as they come.
- Q You had some entries made here about another child that died? A That was Leather.
- Q Was that entered at the same time of the other? A No sir Ella first and Freddie next.
- Q Who entered the one as to Leather? A I don't know what minister.
- Q The same one as about Frederick? A No sir, he was gone then.
- Q And who made the entry about Ella? A I forgot who he is.
- Q How long have you had this bible in your possession? A I got it right after the first child was born, and that is Ella.
- Q Do you know whether he wrote it in there properly or not? A Certainly I do.
- Q How do you know? A I got it from the lady who waited on me and she had it put down that day.
- Q But you don't know what is in that bible? A No but I got it, the other people at home to show it is the same.
- Q You have never been able of your own knowledge to determine whether that entry is to the death of this child Fred is correct? A I can't but I should have called at the Court House and got it.
- Q Well you don't know of your own knowledge whether that entry in there is the date of the death of your child? A Yes sir, it is.
- Q How do you know? A I have had it read over to me by different ones.
- Q Do you remember when your child died? A I had it put down.
- Q What date was it? A The day is in there, I was particular to have it all put down, my brains would not remember it and I had it all put down in the bible so it could be remembered.

Mr. Murphy: We object to the introduction of the record as not being sufficiently identified.

By the Commission: The record as introduced by the Attorney for the Cherokee Nation is taken from the bible identified by the witness and reads as follows: "Frederick Ware departed this life Jan. 18th, 1870."

BY MY HASTINGS:

- Q You speak of the Rileys leaving your place about a week before the death of this child, do you know where they went? A Yes sir, they went the second block from me up to Mr. Jenkins.
- Q Did you know them after they went up there? A Yes sir, in the house a many a time and they were back to mine cause I was kind enough to let them stay in my house.
- Q How long did you continue to know this family from that time? A Until they came away down here, went away from there any how.
- Q Did this girl marry? A Yes sir, married George Hazelrig, the one I called Mariah.
- Q Did you know the correct name of that boy they called Bony? A They called him Allen but the nick name was Bony.
- Q And he was always called by that name? A Yes sir.
- Q About how many years did you continue to know them in and around Lawrence from the time they first lived in the house with you? A Around and about, it was 15 years I know.
- Q Did you see old man Tom Riley frequently during that time? A Yes sir all the time often and on.

- Q Did you ever hear of him being away from there any considerable length of time? A No sir.
- Q You never knew of that? A No sir.
- Q You say they had a boy named Joe? A Yes sir he was the oldest boy I guess.
- Q And they moved up next to Mr. Jenkins? A Yes sir, second block from me up there on the hill.

BY MR. MURPHY:

- Q What was the father's name of Bony? A His name was Joe Riley, they called him Joe, old man Joe Riley.
- Q He was the man that lived there for 15 years? A Yes sir.
- Q What was the mother's name? A I have slipped her name somehow or other, not paying attention, I don't know exactly what her name is, forgot it that's all.
- Q What did this Joe Riley do that you spoke of? A The old man.
- Q Yes? A He just nooked around and about and worked for Mr. Jenkins.
- Q Did he ever go out of town at all? A Not after they left my house as I knew of.
- Q You didn't know him until 1870 did you? A I knew them before they came to my house but I don't know just what date it was.
- Q How long did you know them before they came to your house? A I don't know exactly, quite awhile.
- Q You knew them a few weeks or months? A Yes sir.
- Q A way back in 1866 or 1867 you didn't know them? A I don't know much about the numbers is the trouble if I knew then I might tell.
- Q This man Riley might have gone down to the Indian Territory in 1866 and 1867 and lived there for aught you know before you knew him? A Before I knew him that might have been, I knew him when he lived on the river.
- Q But before you knew him? A I don't know anything about that.
- Q He lived in your house about a month? A Yes sir.
- Q His name was Joe? A Yes sir.
- Q And you don't remember his wife's name? A I scurter forget but I would know by asking the other lady, I didn't think to do it before I come in here.
- Q But you do remember distinctly the old man's name, Joe? A Yes sir.
- Q You knew him best of all? A No sir knew them all knew him by Joe cause some of my folks were named Joe

BY MR. HASTINGS:

- Q They had a girl that married George Hazelrig? A Yes sir.
- Q You knew that? A Yes sir.
- Q They had a boy did they? A Yes sir.
- Q What was his name? A His name was Bony.
- Q Now Annie are you certain about what old man Riley's name was?
- A Joe Riley.
- Q You think it was Joe? A I don't think anything about it.
- Q You feel certain it was that? A I was thinking about his son.
- Q Then you was mistaken in calling him Joe? A His son was named Joe, but the old man was named Tom.
- Q His name was Tom? A Yes sir I was thinking of Joe.
- Q You was mistaken and got his name mixed up with his son? A Yes sir.

BY MR. MURPHY:

Q Did you have a brother named Tom the reason you remember it?

A No sir but some of my connection was named Joe.

PETER JEWINS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Peter Jenkins.

Q What is your age? A 61 years the 4th of last August.

Q What is your post office address? A Lawrence, Kansas, Douglas County.

Q How long has Lawrence been your post office? A Lawrence has been my post office for 40 years.

Q Then you lived there during and just after the war, did you?

A Yes sir.

Q Did you know a colored man in Lawrence, Kansas, by the name of Tom Riley? A Yes sir, I think I did, he went by the name of Tom Riley in Lawrence.

Q Did he have a family? A Yes sir.

Q How far did he live from you? A When I first recollect of seeing him he was I guess about four miles out of town.

Q Did he afterwards move to town? A Yes sir.

Q How long did you know him before he moved to town? A I just don't recollect about how long any more than this, I went to his house when I was out in the country before I moved to town shortly after I moved to town, I had kind of a law suit.

Q How near did they afterwards move to you? A I lived on Lot 342 and they lived adjoining lots to me.

Q Do you know where they moved from to your place? A I leased this lot from St. Clair, the real estate man, and I rented it to him to put a house on it at the time.

Q Did he put a house on it? A He bought a house and had it moved on it.

Q Then did he move into that house? A He did.

Q With his family? A He did.

Q Do you know where he moved from? A He moved from Mr. Ware's place, Cy Ware's place.

Q Was that the husband of this ~~man~~ woman that just left the stand?

A Yes sir.

Q How long did he continue to live at this place adjoining you?

A I couldn't say positively all I can say when he left there he told me he was going to the nation?

Q About how long did he remain there to the best of your judgment?

A Between ten and twelve years.

Q Did you see the old man there frequently as you would see any other neighbor? A It was just this way, I will have to acknowledge the truth, I was a contractor and taking work there and very often I hired the old man to help me he was a good hand, for several years I hired him to help me and I saw him when he worked for me.

Q Did you know the members of his family? A I didn't pay a great deal of attention to the children.

Q Did you know George Hazelrig? A I did.

Mr. Murphy: Objected to because the question was leading and suggestive.

Commission: Objection noted.

Q Did you know who George Hazelrig married? A He married one of Tom Riley's daughters.

Q How long did you know George and his wife up there? A He married her when she was there in school.

- Q How long did they continue to live there in Lawrence after that time? A I can't tell you just how long that was, though when George come down to the Cherokee Nation I bought a ticket and put him on the train.
- Q And you don't remember the date? A No sir I couldn't, I paid no great attention to it, he had been working for a man by the name of Tom Dee and Tom Dee paid him some and I knowed Tom Dee would pay me the money I paid out for George.
- Q You say you knew them there for ten or twelve years; after they moved to that house there by your place? A Yes sir.
- Q Did you say you knew they came to the Territory afterwards? A I know only what he told me, that is what I said.
- Q Did they live in the same house all this time or did they move? A He lived there until he come away, sold the house for \$40.00 and left Kansas to come down in the nation, said he was coming.
- Q They had the ground leased? A Yes sir.
- Q And the house belonged to him? A Yes sir.
- Q And all these years they kept house there? A Yes sir.
- Q Did they have a boy by the name of Bony? A They called him Bony, his name was Allen, I believe they had two boys, and Allen I can recollect, I think they called him Bony, I recollect him because I had a great deal of trouble with him.

BY MR. MURPHY:

- Q You state that old Mrs. Riley moved a house on the place there?
- A I didn't say old Mrs. Riley, I said Mr. Riley.
- Q You don't know the year do you? A No sir.
- Q You don't know when you first got acquainted with them, what year? A I explained it in the first place.
- Q I am asking you do you know the year you first got acquainted with Tom Riley? A I don't know sir.
- Q You don't know whether it was 1870, 1875 or 1880? A I couldn't say I know it was during the war that I got acquainted with him in the first place.
- Q When did the war close? A I can't tell you when I can't read or write and I didn't keep any memorandum.
- Q You don't know how long they had been in the Cherokee Nation or Indian Territory before you knew them? A No sir not before I knew him.
- Q Do you remember the name of his wife? A As near as I know her name was Mary.
- Q Who told you that? A She told me.
- Q How many years ago was it that you know them? A I couldn't tell you.
- Q Twenty? A May be twenty maybe more or less.
- Q You don't know whether it was 20 or 40? A It aint 40.
- Q Do you think it was as much as 30? A I don't know, I will soon tell you to my best recollection about how long I have lived at the place. I have lived there 37 years and I suppose he come there about 5 or 6 years after I come there.
- Q You don't know where he went to after he left there? A No more than he said he was going to the nation.
- Q Did he say he was going back home? A That was my understanding.
- Q Do you remember the names of any other children besides Allen?
- A I believe he had one girl named Rattie.
- Q Is that the one that was married to Hazelrig? A I don't think so, I always called that one Mariah, I don't know whether it was the name or not.
- Q What year was she married? A I can't tell you I kept no memorandum.
- Q Your name is Jenkins? A Peter Jenkins, yes sir.

- Q Do you know this Mrs. Ware? A I do.
- Q How long have you known her? A About 37 years.
- Q How long did this man Riley live with the Wares? A I couldn't tell you that I didn't keep any track of them, come from Ware's house to mine.
- Q Do you remember the year they lived in Ware's house? A No sir.
- Q Had you thought of any of these things for 32 or 33 years until you got to talking them over with some one that was sent up there about this case? A I couldn't ----
- Q You hadn't talked it over? A No sir, I was just telling them about the people.
- Q Or refreshed your memory? A No sir he didn't tell me anything he just questioned me about it.
- Q And you had forgotten it? A Yes sir, but I could recollect different things that had passed.
- Q Did you suggest the names to him of these Rileys or did he tell you? A He didn't suggest the names to me, he asked me if I could remember them and I studied it awhile and I told him I would study it over and let him know and the next day he come to me and asked me if I could recollect any of the names and I told him I believe one boy was named John, wasn't sure, and one was named Allen but they called him Beny.
- Q Was there one named John? A I don't know, I thought so.
- Q You are 81 years old? A Yes sir, but I never paid much attention to children.
- Q Do you still live in that neighborhood? A I am living in the same house I have been living in nearly 40 years.
- Q Can you recollect the names of the children of any other colored family that lived there 37 years ago? A I might a few.
- Q Just tell a few to the Clerk here? A Jack Johnson's family was there when I come there, he had one boy named Green and one named Jim.
- Q Are they any relations to you? A Not a bit.
- Q Are they living there yet? A The old lady is there, one of the boys is dead and the other is out west.
- Q Do you recall any of the names of the colored people who lived there 30 years ago and moved away 20 years ago? A They were there but I can't recollect it.
- Q You remember the names of those who still live there better than those who moved away from there? A Yes sir.
- Q You recollect their names better? A Yes sir.

BY MR. HASTINGS:

- Q You know these people come to your place from this Ware place, and this Ware is the same woman that was on the stand before you?
- A Yes sir.
- Q You say you have lived at your place about 37 years? A Yes sir, in the same place I am living in.
- Q You said you had been living there four or five years before these people moved there? A Yes sir to the best of my knowledge it might be that length of time and it might be shorter.
- Q But that is your best judgment? A Yes sir.
- Q And they lived there a number of years did they? A Yes sir.
- Q And they all come away together, that is Tom Riley and his wife?
- A I can't swear to that because I know the old man told me, I was talking with him and he says Mr. Jenkins I aint going to be here very long I sold my house this morning and I says who is going to buy it and he says West is going to buy it and says he wants to know if you will let it stay on the ground and I says he can buy your time then he can make arrangements when it is up, and that is about the time he bought it and I don't know how long the old man stayed afterwards.

- Q How long did he live that near you there? A I told you I couldn't swear to it.
- Q What is your best judgment? A Between 10 and 12 years.
- Q Did you ever hear him say who he belonged to before the war?
- A Yes sir he told me that.
- Q Who did he say he belonged to? A Stand Watie I think it was.
- Q Nobody approached you and asked you about this on behalf of the Cherokee Nation, who asked you to make any other statements than the absolute truth has there? A No sir, besides it would not be worth while.
- Q They only asked you to tell what you know about it? A Yes sir.
- Q And that is all you have testified to? A Yes sir.

BY MR. MURPHY:

- Q This Tom Riley would go away from home and stay quite a little while at different times during the years he was there on your place? A He told me he was going to the nation once or twice, he didn't stay there long.
- Q You don't know what years that was? A No sir I couldn't tell about that.
- Q How long would he stay on these trips down in the nation? A About 30 days as near as I can tell.
- Q He made a number of these trips? A I couldn't tell once or twice he told me he was coming down but I couldn't tell how many trips.
- Q He told you about what he was doing down here? A No sir, I had no particular talk with him he said he had some children down here he wanted to see.
- Q Did he tell you about having a place to stop down here with his sister? A I don't recollect about that.
- Q Did so in the early part of the time you knew him? A No sir it was along I suppose 3 or 4 years after I got acquainted with him.
- Q You don't know how many times he had been coming before that or how long he would stay? A No sir.

JANE WILLIAMS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Jane Williams.
- Q What is your age? A I don't know exactly, about 57.
- Q What is your post office address? A Lawrence, Kansas.
- Q Was you living there during the war? A I came there just about the close of the war.
- Q Where did you come from? A From Payettville, Arkansas, I was born in Independence, Missouri.
- Q Did you know Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q When did you know them? A I couldn't exactly state the time but I knew them from about between ten and twelve years.
- Q Where did you know them? A Right in Lawrence.
- Q Did they live there? A Yes sir.
- Q How far did they live from you? A Just a fence between, I lived on the south side of the fence and they on the north.
- Q How long after the war when you first became acquainted with them? A Quite awhile after the war.
- Q About how many years after the war? A It must have been 6, 7, 8 or 10 years after the war, may be more than that.
- Q Do you know where they moved from when they moved to where you know them, or were they living there? A When I first knew them they lived at Mrs. Vares.
- Q And they moved from there to this place you speak of? A Yes sir.

- Q You can't place the exact time they moved there? A No sir.
Q Do you know Mr. Jenkins who just left the stand? A Yes sir.
Q Was you and he ever married? A Yes sir.
Q Was that the time you knew Riley? A Yes sir.
Q It was while you and Jenkins were living together? A Yes sir.
Q Did you know the members of the Riley family? A Some of them.
Q Did you know any of the boys names? A Yes sir all that lived there.
Q What were their names? A Joe was the oldest.
Q A boy? A Yes sir.
Q Who was the next one? A Mariah.
Q A boy or girl? A Girl.
Q Was she ever married up there? A Yes sir.
Q Who did she marry? A George Hazelrig.
Q Still she lived there and you knew her? A I think so I am not positive.
Q Did you know any other boys? A Allen, called him Bony.
Q Any other members of the family? A John and Rattie.
Q What was the old lady's name? A Mary.
Q What was the old man's name? A Thomas.
Q Did you see him frequently? A Yes sir.
Q Did you miss him from there during this ten or twelve years for any length of time? A No sir he come away from there before the old lady did, but I don't know just how long.
Q How long before the old lady came? A I don't know perhaps a month or two months.
Q Before leaving that time during this ten or twelve years did you ever miss him away from there any considerable length of time?
A No sir.
Q And he lived just across the fence from you? A Yes sir.
Q And you knew him all this time? A Yes sir.
Q You knew George Hazelrig and his wife? A Yes sir.
Q Did they continue to live there after they were married? A Yes sir I think all the time, but it seems to me they moved from there but I am not sure.
Q But you don't remember the exact dates when they moved away to and away from there? A No sir.
Q Do you know what old man Riley did around there? A He chopped wood and did anything he could.
Q Do you know whether he owned a house there or not? A He owned a house but not the lot.
Q Did the lot belong to your husband? A He had charge of it, it belonged to another man, but he had charge of it.

BY MR. MURPHY:

- Q What was the year in which you first knew Tom Riley? A I don't know.
Q Do you read and write? A No sir.
Q You don't know where Tom Riley had lived before you knew him?
A I heard he lived on Mud Creek but I don't know.
Q You don't know how long he lived there? A No sir.
Q He always called the nation his home didn't he? A Yes sir.
Q And you knew that that was considered by him as his home? A Yes sir.
Q You often heard him talk about it? A Yes sir.
Q And his family? A Yes sir.
Q And don't you remember of his coming down to the nation several times during the 10 or 12 years you knew him? A No sir I don't.

- Q If your former husband swore to that fact he would be mistaken?
A I couldn't say, likely he knew more about it than I did, I would be away from home.
Q How often would you be away? A I would go out every day and come home at nights.
Q He might have been gone to the nation and stayed there quite while and come back and you not have known it? A Certainly he could have.
Q And he might have built a house down here and prepared to live here for aught you know? A Yes sir he might have.
Q And he might have made several trips here during that time and you not known it? A Yes sir.
Q But his family stayed there after he came the last time? A Yes sir.
Q And they followed him? A Yes sir I suppose so.
Q He had been away from there as much as a year before they come?
A Not that long that I knew.
Q But several months? A I knew he was away.
Q You know at that time that they come to the nation? A That is where they started.
Q Was Tom Riley much of a hand to work or did his wife and children work? A He would go out and work sometimes for a week or two at a time.
Q Didn't he run around a good deal? A I don't know about that.
Q Did you know where he lived before he came to Kansas? A No sir.
Q But you do know and so testify that he considered the Cherokee Nation his home? A Yes sir I suppose he come from there.
Q And he talked about going home there? A Yes sir.
Q And for aught you know he made several trips there and stayed quite a while? A Yes sir.

BY MR. HASTINGS:

- Q You never missed him for any length of time and if he made these trips you don't know it? A No sir.
Q He was your neighbor living just across the fence, and if he come away you don't know it? A No sir I don't know anything about it if he come.

BY THE COMMISSION:

- Q Can you give the Commission an idea as to when you first know him?
A No sir, I don't know as I can fix the date.
Q When did you first come to Lawrence? A I have been there 40 years, I was there in Quantrell's raid.
Q When with reference to that now did you know Tom Riley and his family? A It was several years after that, they come there long after I was married to this man and was the mother of two or three children.
Q You knew him up there how many years? A I think about ten or twelve years.
Q They lived neighbors to you during that time? A Quite awhile, yes sir.
Q And you would see the old man there at home? A Yes sir.
Q You visited them and they visited you? A Yes sir sometimes.
Q You say you don't know of his being to the Territory? A He started from there and said he was coming to the Territory.
Q That was when they left there finally? A No sir once before that
Q Do you know how long he was gone that time? A No sir not exactly, quite awhile but not long.

- Q What do you mean by quite awhile? A May be two or three months, and maybe not quite so long.
- Q Was that a short while before they left there coming here finally? A I think it was somewhere in the spring, I don't know.
- Q Did his family live in Lawrence all that time? A All the time he was gone.
- Q Mary Hazelrig live there? A Yes sir.

CHARLES W. GARRETT, being first duly sworn, testified as follows

BY MR. DAVENPORT:

- Q What is your name? A Charles W. Garrett.
- Q What is your age? A 54.
- Q What is your post office address? A Ottawa, Kansas.
- Q How long have you lived at Ottawa, Kansas? A Since 1870.
- Q Where did you live before going to Ottawa? A Lawrence, Kansas.
- Q What years did you live at Lawrence, Kansas? A From June, 1864, up to 1870.
- Q While living there did you get acquainted with a family named Riley? A I did.
- Q Did you learn what the old man's name was? A All I learned was Tom Riley.
- Q Where was the family living when you got acquainted with them? A They were on the Delaware reserve east of the town on Mud Creek.
- Q That was in what year that you first got acquainted with them? A I didn't become personally acquainted with the old man until 1866 I saw him before but I didn't become personally acquainted with him until 1866 or 1867.
- Q Do you remember the names of any other members of the family? A I remember a boy called Beny, I don't know whether that was his name or not.
- Q Did you know any other members of the family? A We called a girl Mary the eldest girl and he had some other children.
- Q How far did you live from them at the time you got acquainted with the Riley family? A It must have been six or seven miles, we lived right near north Lawrence and they lived on the reserve, and it must have been six or eight miles from town.
- Q Was you ever at the reserve where they lived? A We lived on the reserve a couple of months but didn't get acquainted with them while we were there, and we didn't like it and moved out.
- Q What were the circumstances under which you got acquainted with the Riley family? A My brother-in-law and old man Riley bought some wood, they said they bought it and I guess they did, and they used to haul wood from the railroad right-of-way in the fall of 1866 and 1867 and that is how come me to get acquainted with the old man and the boy.
- Q How far is that right-of-way from where old man Riley and the family lived? A Not very far.
- Q About how far? A It may have been a couple of miles, I couldn't say exactly.
- Q How long did they continue to live there? A I left them there.
- Q When did you leave there? A I left there in the fall of 1870 and moved away.
- Q About how often would you be down to the Riley place where they lived? A We wasn't down to his house but about four or five times a week.
- Q Did you see the old man Riley when you was down there? A Yes sir he would be there we was cutting wood.

- Q You first recollect seeing the Riley family there in 1866 or 1867?
A Yes sir, but I knew of them before that.
Q They were living there when you moved away in 1870? A Yes sir they lived in Lawrence.
Q Had they moved from the reserve to town? A Yes sir on the south side of the river, I don't know exactly at what part of town.
Q Do you know whether the old man was with the family when they moved to town? A Yes sir he lived there with them, I wasn't at his house but I saw him in town.
Q What is your occupation Charlie? A I am now a common worker, or ash sometimes, and am a cook, brick mason, and do most anything.
Q You are a minister of the gospel? A Yes sir, preach sometimes.
Q Do you know a colored preacher by the name of Smith up at Lawrence? A Yes sir, he lives in Coffeyville now, I guess he is the man.
Q A colored preacher living in Lawrence several years ago? A Yes sir he wasn't a preacher in Lawrence but he came to be a preacher after that, I worked with him on the Union Pacific road handling ties.

BY MR. MURPHY:

- Q You hadn't gotten to preaching when you was in Lawrence? A No sir I wasn't ordained until about four years ago.
Q How do you know it was in 1866 or 1867 when you got acquainted with them? A I know it was that date.
Q What year was you born? A According to what my mother says in 1860, I got her word for it is all I know.
Q How old was you when you come to Lawrence? A You can guess about how old I was.
Q Don't you know? A When I became acquainted with him personally.
Q How old was you then? A I was a young man, of course 17 or 18.
Q Don't you remember how old you was? A I can count it and tell you.
Q Don't you recollect it? A I said I was 17 or 18.
Q When you first met him? A Yes sir.
Q Then how long did you know him? A From then up until I left town.
Q When did you leave town? A In 1870.
Q How do you recall it was the winter of 1866 and 1867 when you first got acquainted with him? A We left that neighborhood in 1864 and I went to work right away for a man there and I worked two years there before I come to town and after I come to town and started to school in 1866, and then we would go back and forth and help my brother-in-law get this timber on the reserve.
Q What year did they get that? A In 1866 and 1867.
Q Wasn't that after you went to school? A No sir.
Q When did you come to town to go to school? A Right after the crops were laid by.
Q What year? A 1866.
Q Wasn't it the next year they bought the wood? A It was in the winter of 1866 and 1867.
Q How do you know? A Because I know.
Q Do you remember any other family you met in the winter of 1866 and 1867 besides the Rileys? A I don't know particular I was always meeting somebody.
Q What makes you recall at the particular time you met the Rileys was in the winter of 1866 and 1867? A When I first become personally acquainted with them

- Q Though there isn't any date you fix it by? A I aint got any figures set down to that effect.
- Q Do you know how long ago it was of the year 1866? A It has been 34 years.
- Q And you know them 34 years ago? A I know them at that time.
- Q And that is the first you ever knew them is 34 years ago? A If I count it right it was somewhere about there.
- Q You don't fix it by any other fact? A I told you in the beginning that I knew of them and had seen the old man and his folks frequently passing but never came in contact as we are talking, but in the winter of 1866 and 1867 when my brother-in-law and him bought the wood on the right-of-way I went with them down there.
- Q What else happened in 1866? A I don't know what all.
- Q Can you recollect any fact that happened in 1866 and 1867 except buying this wood? A I might if I would go back and hunt it up things that I didn't pay any attention to, if my attention was called to it.
- Q Have you ever had any occasion to refresh your mind about what happened in 1866 and 1867 until your attention was called to it in the last few months? A Yes sir.
- Q What other time? A In 1876, if my memory serves me right, this here Tony Riley come in our neighborhood and stole a horse and went way down in Anderson County and sold it and my brother and I the 1 is now a witness as was a witness against him to prove the horse.
- Q How do you know that was in 1876? A It was Centennial year.
- Q Was you at the Centennial Exposition? A No sir I was at home in Ottawa.
- Q I believe you say that you lived there in 1870? A Yes sir.
- Q Where did you go then? A To Ottawa.
- Q Did you know Tom Riley after that time? A I saw Tom Riley coming through Ottawa.
- Q When? A He made a visit through there in 1871, I am not sure and I talked with him myself, and then I heard of him passing through again.
- Q Where was he going then? A Going to the Territory I suppose.
- Q Don't you know that when you first knew him he claimed the Cherokee Nation as his home? A I never heard him say so.
- Q Don't you know that this was his home? A No sir cause I was a boy and I never had much talk with the old man about where he was raised.
- Q You don't know of anything else that happened in 1866 and 1867 except the buying of that wood by Riley and your brother-in-law?
- A No sir that is all the attractions that I know of.

MY MR. DAVENPORT:

- Q What year was it you started to school? A I come to start to school in the fall of 1866.
- Q You had moved into that neighborhood in 1864? A My folks lived right in north Lawrence but we, I was working on a farm.
- Q You folks lived there in 1864? A Yes sir.
- Q And you went on a farm and worked two years and then started to school in the fall of 1866? A Yes sir.
- Q What fall was it that your brother-in-law and Riley bought the wood on the right-of-way with reference to the time you started to school? A In the same fall.

ANDREW GARRETT, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Andrew Garrett.
Q What is your post office address? A Ottawa, Kansas.
Q What is your age? A 47 years.
Q How long have you been living at Ottawa? A Ever since the spring of 1870.
Q Where had you lived prior to that time? A Lawrence, Kansas.
Q You are a brother to Charlie Garrett? A Yes sir.
Q Do you know what time your family moved to Lawrence, Kansas?
A Yes sir, in 1864.
Q While you was living at Lawrence, Kansas, did you get acquainted with the family of colored people named Riley? A Part of them.
Q What part of the family? A Thomas and Mary and one called Beny.
Q Where were they living when you got acquainted with them? A When I first heard of them on the Delaware reservation, and when I first began to see them they were living somewhere near town.
Q In the town? A I don't just know whereabouts in town.
Q Do you remember what year you first got acquainted with them?
A About 1866.
Q How long did you remain at Lawrence, Kansas? A We came away from there in 1870.
Q Were the Rileys living there when you left there? A Yes sir, the young Rileys were.
Q Which one? A Beny.
Q Do you know where the daughter was? A I don't know much about the daughter.
Q And you moved away from there to Ottawa in 1870? A Yes sir.
Q How often did you see the old man Riley while you lived there?
A Just from time to time, I don't know just how often.
Q Do you know anything about when the Riley family moved away from Lawrence? A No sir.
Q You moved away and left them there in 1870? A Yes sir.
Q Do you know whether or not they were living in town at that time? A No sir.

BY MR. MURPHY:

- Q What year was you born in? A I am 47 years old.
Q You don't know the year? A You figure up and see.
Q Do you know? A I think about 1837.
Q How old was you when you first knew the Rileys? A I was going on ten years old when I first heard of the Rileys.
Q That was about 1867 then, how long did you know them? A We moved away from there in 1870.
Q Then you knew them from 1867 to 1870? A I said from 1866, but we heard of them in 1864.
Q Didn't you just testify that you learned of them when you was ten years old? A I said I was about nine years old.
Q You testified a moment ago that you first heard of the Rileys or knew of the Rileys when you was between nine and ten years old and you say you was born in 1837 is that correct? A Yes sir, I guess so.
Q How long was it between the time you first knew of them and when you got acquainted with them? A In 1864.
Q How many months or years was it? A I don't know about the special months.
Q Was it a year from the time you first knew of them? A I couldn't make that definite.
Q About how long? A That is hard for a man to do.

- Q About how long from the time you first heard and knew of them until you got acquainted with them? A I guess from that time about 1864 or 1867.
- Q You don't know how many months it was? A No sir.
- Q Do you know anything about the years? A I told you about-----
- Q Do you know how long it was? A I couldn't give you any definite time.
- Q What is your best recollection? A I told you when I first heard of them and when I first saw them I saw them from time to time up until I left the place and we moved from Lawrence in 1870.

BY THE COMMISSION:

- Q You claim you came to Lawrence in 1864? A Yes sir.
- Q And you have testified that you got acquainted with these parties in the winter of 1866 and 1867 you think, how long was it after you came to Lawrence before you heard of these people? A I heard of Tom Riley to my best judgment as I stated to you a bit ago in, I think, in the summer of 1866 after we got there, I didn't become acquainted with them until 1866 or 1867.

BY MR. MURPHY:

- Q What else happened in 1866 that you remember besides getting acquainted with the Rileys? A What do you mean, in what direction?
- Q Anything? A I don't know what did happen.
- Q Did you keep a record of the Rileys? A No sir.
- Q You have the same kind of a record of other things as you have of the Rileys? A If you tell me what you want to come at maybe it will come to my memory.
- Q Who else did you meet in 1866 besides the Rileys? A Lots of people.
- Q Tell me some of them? A I knew men around Lawrence by the name of Hill.
- Q What time in 1866 did you get acquainted with the Hills, do you know? A I said in 1866.
- Q What time of the year? A It was in the early part of 1866.
- Q You was how old then? A I have told my age to you.
- Q You was about nine years old do you tell this department that you can recollect who you got acquainted with when you was nine years old? A I said lots of things happened that I don't know anything about which didn't concern me.

NELSON E. GARR, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nelson E. Garr.
- Q What is your post office address? A Bartlesville.
- Q How old are you? A 40.
- Q You are a Cherokee citizen? A Yes sir.
- Q How long have you lived in the vicinity of Bartlesville? A 37 years.
- Q Do you live on the same place that you lived on 37 years ago? A Yes sir.
- Q Do you know Mary Ann Rile? A Yes sir.
- Q Do you know her husband Tom Rile? A Yes sir.
- Q Do you know George Lavelrig and his wife? A George is dead, I did know him.
- Q Do you know his wife? A Yes sir.

- Q Did you know them before the war? A No sir.
- Q When did you first become acquainted with the Rileys? A When they moved into that settlement about 1880 or 1881, perhaps 1882, I couldn't say exactly.
- Q You think it was between 1880 and 1882? A Yes sir.
- Q How far did they settle from you on Casey? A A mile and half.
- Q Had they stayed anywhere in that neighborhood prior to that time? A Not that I knew of, I didn't hear it.
- Q Is that the first place they settled in that neighborhood? A Yes sir.
- Q Do you remember the circumstance of their coming there? A Yes sir, the old gentleman, Thomas Riley made some barrels for me in April or May of 1884, and that was a short time after they came there.
- Q Do you know where they came from when they came there and settled on that place within a mile and a half from you? A It was said that they came from Lawrence, Andy Daniels told me they did.
- Q Did they come along at the same time? A No sir they come in 1888.

BY MRS MURPHY:

- Q Did you know Thomas Riley before 1880? A No sir.
- Q Did you know of his building a log cabin up there in 1866 or 1867? A No sir.
- Q Did you ever talk with him about his old home having been in the Cherokee Nation before he came at this time? A Yes sir, he said he used to belong to Stand Watie.
- Q Was a slave of his? A Yes sir.
- Q Did he tell you that he had come to the Territory after the war? A No sir I never heard him say so.
- Q Didn't he claim to have returned to the Cherokee Nation after the war? A I never heard him say anything in regard to it.
- Q You know he had relatives here before you knew him? A His first wife died there close to where I lived.
- Q What year was that? A It was before 1880 and his son died there.
- Q When? A Before Hazelrig moved into the settlement.
- Q And before Riley moved there? A Yes sir.
- Q About what year was it that Joe died? A It would be 1876 or 1877 I think.
- Q And his first wife what year did she die? A Before Joe died, it would be, I couldn't say exactly what year.
- Q Didn't he have a sister down in there? A I didn't know this first wife, Joe Riley's mother, and Mrs Andy Daniels mother, died there.
- Q Then he had lived in the Cherokee Nation before he came in 1880? A I couldn't tell you.
- Q He lived here when his wife died here? A No sir.
- Q Nor when his son died? A He had three wives.
- Q Where was he living when his first wife died? A I couldn't say it was before he came to the country.
- Q Where was he living when Joe died? A I couldn't tell you.
- Q You aren't testifying that he didn't come to the Cherokee Nation and live before you knew him in 1880? A No sir.
- Q Or he could have done so and you not knew it? A Yes sir.
- Q Didn't he come here before his family came? A His wife that he lived with last came before he did, came with the Hazelrigs and he came a short time afterwards into that settlement.

- Q Wasn't he a sort of a restless nature, running around the country and hunting and trapping? A I never knew him to.
- Q You don't know about his first coming here in 1866? A He didn't come into that country over there.

BY MR. HASTINGS:

- Q He had three wives did he? A Yes sir.
- Q One of them died up there about 1876 or 1879? A Yes sir.
- Q He wasn't around there then? A No sir.
- Q You never saw him about her place? A No sir never did.
- Q And your understanding was when he come there was in 1880 or 1882 that they were from Kansas? A Yes sir.

MR. HASTINGS: The Cherokee Nation offers in evidence a certified copy of the record of a replevin action brought by Thomas Mayfield vs. Wess White in Lawrence, Douglas County, Kansas, being an action for certain hogs in October, 1865, same is marked Exhibit "A."

The Cherokee Nation offers in evidence a certified copy of the record before Justice of Peace, George A. Banks, placing one George Hazelrig under a Peace Bond in Douglas County, Kansas, on the 20th day of December, 1869, same being marked Exhibit "B."

The Cherokee Nation offers in evidence a certified copy of the record of George A. Banks, Police Judge in the Town of Lawrence, Douglas County, Kansas, on October 9, 1870, fining one Tom Riley upon a charge of being caught in a house of ill fame, same being marked Exhibit "C."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged and plead guilty to disturbing the peace on November 23, 1870, same being marked Exhibit "D."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged with carrying concealed weapons and attention is called to this case to the fact that the record recites that one Joe Riley was a witness in said case and also upon the defendant, George Hazelrig's bond of June 6, 1871, same being marked Exhibit "E."

The representatives of the Cherokee Nation offer in evidence a certified copy of the Police Court record in the case of the City of Lawrence vs. George Hazelrig now being No. 690, charged with breach of the peace on June 19, 1871, and attention is invited in that case to the fact that Joe Riley was a witness, same being marked Exhibit "F."

The Cherokee Nation offers in evidence a certified copy of the Police Record of the City of Lawrence vs. Allen Riley, being case No. 35, wherein the said Allen Riley was charged with the violation of Ordinance No. 171 on December 2, 1872, the same being marked Exhibit "G."

The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, August term of 1873, being the case of the State of Kansas vs. Allen Riley, wherein the said Allen Riley was convicted of larceny, the same being marked Exhibit "H."

The Cherokee Nation offers in evidence a certified copy of the Police Court Records of the City of Lawrence in the case of the City of Lawrence vs. Joseph Riley, No. 562, charged with violating Ordinance No. 174, where in Joseph Riley is charged with co-habiting as man and wife with a woman and not being married. Attention is called to the fact that the records disclose that the parties were married and the case dismissed at the instance of the defendant July 21, 1873, same being marked Exhibit "I."

The Cherokee Nation offers in evidence a certified copy of the marriage license of George Hazelrig of Lawrence, Kansas, age 23 years, and Nancy J. M. Riley of Lawrence, Kansas, age 16, dated February 8, 1873, same being marked Exhibit "J."

The Cherokee Nation offers in evidence a certified copy of a subpoena issued from the State of Kansas, County of Douglas, commanding Tom Riley and Mary Ann Riley to appear as witnesses before the District Court on the 20th day of August, 1873, and the record in the same document showing that the same was served upon the said Thomas Riley and the Mary Ann Riley on the same date that the subpoena was issued, viz., August 19, 1873, same being marked Exhibit "K."

Q The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, Kansas, October term 1874 in the case of the State of Kansas vs. Allen Riley, No. 521, wherein the said Allen Riley is charged with grand larceny, same being marked Exhibit "L."

The Cherokee Nation offers in evidence a certified copy of the records of the Justice Court, George W. Smith, in the case of Thomas Riley vs. Jacob Harts, Civil Action, No. 1391, being a civil action for debt filed on the 6th day of November, 1876, same being marked Exhibit "M."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record of Lawrence, in the case of the City of Lawrence vs. Lou Riley, No. 1636, dated June 28, 1877, charging the said Lou Riley with wilfully and unlawfully disturbing the peace of one J. T. Bates, the same being marked Exhibit "N."

The Cherokee Nation offers in evidence a certified copy of a Civil Action, being No. 53, before Justice of the Peace, L. S. Steele, in the State of Kansas, Douglas County, being the case of Thomas Riley vs. C. Ware, filed on January 30, 1879, same being marked Exhibit "O."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, charging the said Allen Riley on February 17, 1879, with the larceny of a looking glass and frame from John Anderson, same being marked Exhibit "P."

Q The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Mary Jane Riley, charging the said Mary Jane Riley with the larceny of certain articles mentioned therein of which she was convicted on April 14, 1879, same being marked Exhibit "Q."

The Cherokee Nation offers in evidence a certified copy of the record of a civil action brought by Thomas Riley vs. J. R. Shimmens in the Justice Court before George W. Smith, in Douglas County, Kansas, dated the 7th day of May, 1878, same being marked Exhibit "R."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Hazelrig and Mrs. Tom Riley, charging them with violating Ordinance No. 114, being the larceny of some coal of date, November 21, 1879, same being marked Exhibit "S."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley of the larceny of personal property of the value of \$4.00, dated December 12, 1879, wherein the Court found the defendant guilty, the same being marked Exhibit "T."

The Cherokee Nation offers in evidence a certified copy of the record of the Police Court in the case of the City of Lawrence vs. Allen Riley charging him with carrying away the personal property of one Thomas Riley, being an overcoat of the value of \$5.00, January 9, 1880, same being marked Exhibit "U."

The Cherokee Nation offers in evidence a certified copy of the Justice of the Peace Court Record in the case of the State of Kansas vs. George Riley, dated July 22, 1881, same being marked Exhibit "V."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Hazelrig, dated November 19, 1881, charging the said George Hazelrig with being in a state of intoxication upon the street, wherein the said George Hazelrig was fined, same being marked Exhibit "W."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, dated December 31, 1880, charging the said Allen Riley with the larceny of five iron fence castings to the value of fifty cents each, wherein the said Allen Riley plead guilty, the same being marked Exhibit "X."

The Cherokee Nation offers in evidence a certified copy of the records of the District Court of Douglas County, Kansas, in the case of the State of Kansas vs. Allen Riley, No. 711, wherein the said Allen Riley was convicted of Grand Larceny and sentenced to serve a year in the penitentiary of the State of Kansas on the 9th day of April, 1881, the same being marked Exhibit "Y."

BY MR. VANCE:

The Attorney for the applicant object to the introduction in evidence of each and every one of the instruments referred to above for the reason that the same are irrelevant, immaterial, and in no way will pertain to the issue in this case.

BY THE COURT:

Objection noted; exhibits referred to will be filed with and made a part of the record in this case.

CASE CLOSED.

E. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

E. M. Vance

Subscribed and sworn to before me this 2nd day of January, 1906.

Charles N. Sawyer
Notary Public.

a. f. m.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the applications for the enrollment of Mary Ann Riley, et al., as Cherokee Freedmen, consolidating the applications of:

Mary Ann Riley,	Cherokee Freedmen D 957,
Mary Hazelrig, et al.,	Cherokee Freedmen D 987,
Mary Brown, et al.,	Cherokee Freedmen D 988.

--:--

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Mary Ann Riley for herself; by Mary Hazelrig for herself and children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L. and Fred Hazelrig, and husband, George Hazelrig by intermarriage, but as the application for the enrollment of George Hazelrig as a Cherokee freedman by intermarriage, has been heretofore disposed of, he will not be embraced in this decision; and by Mary Brown for herself and minor children, Robert Lee and George R. Brown.

The evidence in this case shows that the applicants, Mary Ann Riley and Mary Hazelrig are mother and daughter, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion and did not return thereto and establish a residence therein, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children and grandchildren of the applicant,

Mary Hazelrig, were born since 1866, and possess no rights to enrollment other than as descendants of the said Mary Hazelrig. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1860, or the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mary Ann Riley, Mary Hazelrig, William A. Hazelrig, Jesse Hazelrig, Eazy Hazelrig, Alexander Hazelrig, Joseph E. Hazelrig, James M. T. Hazelrig, Jacob L. Hazelrig and Fred Hazelrig, Mary Brown, Robert Lee Brown and George R. Brown, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Jams Bixby.

Chairman

T. B. Needles.

Commissioner

Wm. C. Brockinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this

FEB 1 1900

Cherokee Indian A 955

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(info)

IN RE

Application for Enrollment of

INFANT CHILD

Heidi L. Brown

as a citizen of

Cherokee

Nation

Approved

July 1
1901

W. B. Miller

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copied

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Robert L. Brown (Here insert name of child.) born on the 12 day of October, 1897
Name of Father: Alexander Brown a citizen of the Creek Nation.
Name of Mother: Mary Brown a citizen of the Cherokee Nation.
Postoffice: Bartholomew J. S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Mary Brown, on oath state that I am 19
years of age and a citizen by Adoption of the Cherokee Nation;
that I am the lawful wife of Alexander Brown, who is a citizen, by
Adoption of the Creek Nation; that a Male child was
(Male or Female.)
born to me on 12 day of October, 1897 that said child has been named
Robert L. Brown, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Anna H. Butler
Amie Elms.

Mary L. Brown
Mary

Subscribed and sworn to before me this 27 day of June, 1901.
Louis J. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Mary Ann Riley, a Midwife, on oath state that I
attended on Mrs. Mary Brown, wife of Alexander Brown,
on the 12 day of October, 1897 that there was born to her on said date a Male
(Male or Female.)
child; that said child is now living and is said to have been named Robert L. Brown.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Anna H. Butler
Amie Elms.

Mary Ann Riley
Mary

Subscribed and sworn to before me this 27 day of June, 1901.
Louis J. Brown
Notary Public.

Charles Freedman 1988

20

(copy)

IN RE

Application for Enrollment of

INFANT CHILD

George H. Brown

as a citizen of

Chicago

Nation

Approved

July 1

1901

A. D. Tucker

Commissioner.

July 1, 1901

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

copy

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of George P. Brown (Here insert name of child.) born on the 22 day of February, 1899
Name of Father: Alexander Brown a citizen of the Creek Nation.
Name of Mother: Mary Brown a citizen of the Cherokee Nation.
Postoffice Bartholomew I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Mary Brown, on oath state that I am 19
years of age and a citizen by Adoption of the Cherokee Nation;
that I am the lawful wife of Alexander Brown, who is a citizen, by
Adoption of the Creek Nation; that a Male child was
(Male or Female.)
born to me on 22 day of February, 1899; that said child has been named
George P. Brown, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) { Anna H. Butler
Annie Elms

Subscribed and sworn to before me this 22 day of June, 1901.
Louis T. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Mary Ann Riley, a Midwife, on oath state that I
attended on Mrs. Mary Brown, wife of Alexander Brown
on the 22 day of February, 1899; that there was born to her on said date a Male
(Male or Female.)
child; that said child is now living and is said to have been named George P. Brown

WITNESSES TO MARK:

(Must be Two Witnesses.) { Anna H. Butler
Annie Elms

Subscribed and sworn to before me this 22 day of June, 1901.
Louis T. Brown
Notary Public.

710983

RECEIVED
MAR 24 1902



RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Brown,
Muskogee, I.T.

Cherokee - 1-1-1908

Secretary.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B.

75017

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 1 1901



ATTORNEY GENERAL

CHEROKEE FREEDMEN.

Date _____

Post Office

District

Owner's name Citizenship.....

Parents:

Father **Citizenship**

Mother Citizenship

Name of wife Mary Brown Age 19

Owner's name Citizenship

Year 1966 Page 163 No. 4017 District Levy

Parents:

Father Les. Hazen Citizenship

Mother Mary Citizenship.....

NAMES of Children

21. Robert L. Brown Year _____ Page _____ No. _____ Dist. _____

34. George K Year 11 Page No Dist. 2

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No _____ Diet _____

7. Year Page No. Dist

8. _____ War Page _____ List _____

9. Year Page No. Date

10.

11.	Year	Page	No.	Dist.

12. Year Page No. Disc.

Application made by

Stenographier: *Max von W.*

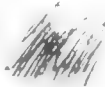
1 On K.E. roll as Mary Hazenbridge
1 " Wallace. Page 118 #24 P.3 Mary
Hazenbridge
2 and 3 Birth app's. required.

Represented by Louis T. Brown

XRef 2987

18 988

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 16 1901



ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS D. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of July 1st, 1901, in the matter of the application of Mary Brown et al for enrollment as Cherokee Freedmen; also one copy of the original testimony of July 1st, 1901, from the case of Mary Hazelrig et al and one copy of the original testimony of June 29th, 1901 from the case of Mary Ann Riley. The testimony in the case of Mary Hazelrig and Mary Ann Riley has been made a part of the record in the case of Mary Brown et al.

Louis J. Brown
Agent for Applicants.

Cherokee Freedmen #D988.

Cherokee Freedmen
D 988

Muskogee, Indian Territory, January 11, 1906

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Division show that applications for enrollment as Cherokee Freedmen were made by Mary Brown for her minor children, Robert L., and George R. Brown. The record further shows that the said Robert L. and George R. Brown are children of one Alexander Brown, a "Creek freedman".

It is requested that the Cherokee Division be advised as to whether or not the said Robert L. and George R. Brown have been enrolled as Creek freedmen, and if the said Robert L. and George R. Brown are upon the approved Freedman Roll of the Creek Nation, that their numbers be given, together with the date of their approval.

Respectfully,

Tams Bixby.
Chairman.

-COPY-

Cherokee Freedmen
D-985

Muskogee, Indian Territory, January 12, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Replying to your letter of January 11, you are advised that it does not appear from the records of the Commission that application was ever made for the enrollment of Robert L. and George R. Brown, or either of them, as Creek Freedmen.

Respectfully,

(Signed)

Tams Bixby
Chairman

-COPY-

Cherokee Freedmen
D-988

Muskegee, Indian Territory, January 12, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Replying to your letter of January 11, you are advised that it does not appear from the records of the Commission that application was ever made for the enrollment of Robert L. and George R. Brown, or either of them, as Creek Freedmen.

Respectfully,

(Signed)

Tams Bixby
Chairman

-COPY-

Cherokee Freedmen
D-986

Muskogee, Indian Territory, January 12, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Replying to your letter of January 11, you are advised that it does not appear from the records of the Commission that application was ever made for the enrollment of Robert L. and George R. Brown, or either of them, as Creek Freedmen.

Respectfully,

(Signed)

Tamm Bixby
Chairman

COPY.

Cherokee Freedmen
B-257 et al.

Muskegee, Indian Territory, February 13, 1905.

Hutchings, Murphey & Veasey,

Attorneys for Mary Ann Riley et al.,

Bartlesville, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lacy, Alexander, Joseph B., James M. T., Jacob L., and Fred Hazelrig; and Mary, Robert Lee, and George R. Brown, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-13.

Register.

SIGNED *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedman
D-987 et al.

Muskogee, Indian Territory, February 13, 1906.

Bell, Hastings, & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1906, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig; and Mary, Robert Lee, and George R. Brown, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-14.

SIGNED: *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-987 et al.

Muskogee, Indian Territory, February 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary Ann Riley et al., including the Commission's decision, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lucy, Alexander, Joseph E., James M. T., Jacob L., and Fred Haselrig; and Mary, Robert Lee, and George R. Brown, as Cherokee freedmen.

Respectfully,

Encl. 1-15.

(SIGNED) *Tams Bixby.*
Chairman.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee freedman
D-988.

Muskogee, Indian Territory, February 13, 1908.

Mary Brown,

Bartlesville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1908, rejecting, among others, the application for the enrollment of yourself, and your minor children, Robert Lee and George R. Brown, as Cherokee freedmen. There has heretofore been furnished your attorneys, Hutchings, Murphey & Veasey, Bartlesville, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-12.

Register.

(SIGNED).

Tams Bixby.
Chairman.

COPY

Cherokee Freedman
D-988

Muskogee, Indian Territory, February 13, 1905.

Mary Brown,

Bartlesville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting, among others, the application for the enrollment of yourself, and your minor children, Robert Lee and George R. Brown, as Cherokee freedmen. There has heretofore been furnished your attorneys, Hutchings, Murphey & Veasey, Bartlesville, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-12.
Register.

(Signed) Tams Birby.
Chairman.

Refer in reply to the following:
Land.
13479-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Mary Ann Riley for herself; by Mary Hazelrig for herself and her children, William A., Jesse, Lucy, Alexander, Joseph E., James M.T., Jacob L. and Fred Hazelrig; and by Mary Brown for herself and her minor children, Robert Lee and George R. Brown.

February 13, 1905, the Commission decided adversely to all the applicants.

The record shows that Mary Ann Riley and Mary Hazelrig are mother and daughter and were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The other applicants are the children and grand children of the applicant, Mary Hazelrig, were born since 1866, and possess no rights to enrollment except as descendants of Mary Hazelrig. None of the applicants is identified on the 1880 authenticated Cherokee roll. Mary Ann Riley is identified on the Kern-Clifton roll and the other applicants are identified on the

-2-

Wallace and the Kern-Clifton rolls.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G.F.Larabee

Acting Commissioner.

H.M.W.
W.

Refer in reply to the followings:

Land.
73469-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

September 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 6, 1905 (I.T.D. 9336-1905) I have the honor to enclose a letter from the attorneys of the Cherokee Nation, dated September 11, 1905, transmitting a copy of a brief in behalf of that Nation, in Cherokee Freedmen enrollment case of Mary Ann Riley et al.

The record was forwarded to the Department March 6, 1905.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

M.M.M.
W.

D. C. 55923-1905
I. T. D. 2232-1905
H R S

J. W. H.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON

December 9, 1905

Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of October 13, 1905,
relative to the Cherokee Freedman case of Mary Ann Riley, et al.
you are requested to advise the Department whether a motion for a
rehearing in said case has been filed.

Respectfully,

Thos. Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, December 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of October 13, 1905 (I.T.D.11128-1905), inclosing a copy of an approved opinion of the Assistant Attorney-General of August 31, 1905, in the Cherokee freedmen enrollment case of Mary Ann Wiley, et al., in which opinion reference is made to a letter dated June 15, 1905, from W. M. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

The Department states that while it is suggested in said opinion that it is within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules of motions for review, it not being sworn to or supported by affidavits of the witnesses intended to be introduced if a rehearing should be ordered, and a copy of it not being served upon the attorneys for the Cherokee Nation. It is also stated that the address of Mr. Ewing is unknown to the Department; that a letter addressed to him at Washington, D.C., the address given in his letter, was returned unclaimed, and that on July 8, 1905, W. T. Hutchings filed an argument for the applicants.

Dept--2.

The Department further states:

"In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation."

In reply you are respectfully advised that on November 4, 1905, the principal applicants in the Cherokee freedmen case of Mary Ann Riley, et al. (D-957), and their attorney, W. T. Hutchings, were advised of the Department's instructions and notified that they would be allowed 30 days from date within which to file with this office, for transmission to the Department, such motion as they desired to make in said case, evidence of service on the attorneys for the Cherokee Nation of all papers filed to be furnished. The postoffice address of Mr. Ewing is unknown to this office and the applicants and their attorney were requested to, if possible, advise the office of the same.

You are further advised that no reply has been made to this office letters and no motion for rehearing has been filed.

The letter of Mr. Ewing, dated June 15, 1906, transmitted with Department's letter, is returned herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Incl--R-2.

Muskogee, Indian Territory, December 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of December 9, 1906 (I.T.D. 2232-1906), referring to Departmental letter of October 13, relative to the Cherokee Freedmen enrollment case of Mary Ann Riley, et al., and requesting to be advised whether a motion for a rehearing in said case has been filed.

In reply, you are respectfully advised that under date of December 16, 1906, this office addressed a letter to the Department in reference to this matter and advised that no motion for a rehearing had been filed.

Respectfully,

LS

Commissioner.

Through the
Commissioner of Indian Affairs

Refer in reply to the following:

(C O P Y)

Land.
101869-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes, of December 15, 1905, saying he is in receipt of Departmental letter of October 13, 1905 (I.T.D. 11128-1905), enclosing a copy of an approved opinion of the Assistant Attorney General of August 31, 1905, in the Cherokee freedmen enrollment case of Mary Ann Riley, et al., in which opinion reference is made to a letter dated June 15, 1905, from W. W. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

Commissioner Bixby refers to the fact that the Department says that while it is suggested in the opinion that it is within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules for motions for review, it not being sworn to or supported by affidavits of the witnesses intended to be introduced if a rehearing should be ordered, and a copy of it not having been served on the attorneys for the Cherokee Nation. The Department also says that the address of Mr. Ewing is un-

known to it, that a letter addressed to him at Washington, D. C., the address given in his letter, was returned unclaimed, and that on July 8, 1905, W. T. Hutchings filed an argument for the applicants.

He further quotes the Department as saying:

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

He reports that on November 4, 1905, the principal applicants in the Cherokee freedmen case of Mary Ann Riley et al., and their attorney, W. T. Hutchings, were advised of the Department's instructions and notified that they would be allowed 30 days from that date within which to file in his office, for transmission to the Department, such motion as they desired to make in the case, evidence of service on the attorneys for the Cherokee Nation of all papers filed to be furnished, and that the postoffice address of Mr. Ewing being unknown to him, the applicants and their attorney were requested to advise him, if possible, of Mr. Ewing's address, but no reply has been made to the letters mentioned and no motion for rehearing has been filed.

The letter of Mr. Ewing, dated June 15, 1905, transmitted with the Departmental letter, is returned.

Very respectfully,

C. F. Larnabee,

Acting Commissioner.

BBH-Y.

D. C. 13947-1906

(U O P Y)

J.V.H.
LLB

DEPARTMENT OF THE INTERIOR

I.T.D. 2212, 2086, 2087, 2461,
4119, 4589, 4451, 11120, WASHINGTON.
12334, 18000-1905.
200-1906

L R S

April 16, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has further considered the record in the Cherokee freedman case of Mary Ann Riley et al., which was the subject of the approved opinion of the Assistant Attorney-General of August 31, 1905.

In a decision rendered by the Commission to the Five Civilized Tribes February 13, 1906, the application of the claimants in this case was denied. Reporting in the matter March 6, 1906, the Indian Office recommended that this decision be approved.

By the preponderance of testimony it is shown that the principal applicant herein, Mary Ann Riley, and her husband, Tom Riley (or Ridge or Watie), deceased, were, prior to the war of the rebellion, the slaves of a Cherokee citizen residing in the Cherokee Nation. During said war they removed, or were taken, into the State of Kansas. As early as 1863 or 1864 they took up their residence at or near Lawrence, Kansas, about 135 miles north of the northern boundary of the Cherokee Nation. A per-

tion of the time while living near Lawrence, they resided on or near what was formerly known as the Delaware reservation. Later, and about the year 1870, they moved into the town of Lawrence. There they continued to reside for several years thereafter, probably up to 1880. It seems clear that the residence of the wife and children, as outlined above, was continuous. There is, however, testimony tending to show that the head of the family, Tom Riley, was seen several times in the Cherokee Nation during the years 1866 and 1867, but it is not doubted that practically all of his time during said years was passed with his family in or near Lawrence, and that being of a roving disposition, his trips to the territory were mere visits. It is not shown that Tom Riley attempted to establish a permanent residence in the nation within the time fixed by the treaty, except that he constructed, with the help of others, a cabin there in 1866 which he occupied, however, but a month or two, and then without his family. It is further shown that after moving into the town of Lawrence Tom Riley purchased a house and held the same for some time. There is also testimony, apparently reliable, showing that his daughter, Mary Riley, the mother of the minor applicants herein, was married in 1873, while a resident of Lawrence, to George Hazelrig, who was not a citizen of the Cherokee Nation. Copies of certain court

records, both civil and criminal, also form a part of the record herein, and show that various members of the family continued to live in Lawrence until as late as 1880.

The Department concludes that Mary Ann Riley, Mary Haselrig, and the children of the latter did not remove to the Cherokee Nation until several years after the treaty of 1866. Further that the said Tom Riley did not establish a bona fide residence therein within the time required, and, that even though it be conceded that he did so, he subsequently identified himself sufficiently with another nation by his purchase of a home and residence in Kansas to effectuate a loss of his Cherokee citizenship, if such he ever had. In like manner, assuming that Mary Haselrig ever acquired Cherokee citizenship, the same was lost by her marriage to a non citizen and residence beyond the limits of the Cherokee Nation.

Accordingly, the decision of the Commission to the Five Civilized Tribes, adverse to the applicants, is hereby affirmed.

Copies of Indian Office letters of March 6, 1905, September 20, 1905, and January 5, 1906, are inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

3 inclosures.

Cherokee
F D 957 et al.

COPY.

Muskogee, Indian Territory, April 24, 1906.

W. T. Hutchinson,

Attorney for Mary Ann Riley, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley; Mary Brown and her minor children, Robert Lee and George R. Brown; and Mary Hazelrig and her children, William A., Jesse, Lacy, Alexander, Joseph E., James E. E., Jacob E., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

For your information there is inclosed herewith a copy of the Department's decision referred to.

Respectfully,

SIGNED.

[Signature]
Acting Commissioner.

Incl. GL-37.
GHL

COPY.

Cherokee
F D 957 et al.

Muskogee, Indian Territory, April 24, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1906, rejecting the applications for the enrollment of Mary Ann Riley; Mary Brown and her minor children, Robert Lee and George R. Brown, and Mary Hazelrig and her children, William A., Jesse, Lacy, Alexander, Joseph R., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

For your information there is inclosed herewith a copy of the Department's decision referred to.

Respectfully,

(SIGNED).

Wm C. Dene
Acting Commissioner.

Incl. GL-38.
OHL

Cherokee
F D 988.

COPY

Muskogee, Indian Territory, April 24, 1906.

Mary Brown,

Bartlesville, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 18, 1906, rejecting, among others, the application for the enrollment of yourself and minor children, Robert Lee and George R. Brown, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

Respectfully,

GHL

(Signed) Wm. O. Beall
Acting Commissioner.

Department of the Interior.

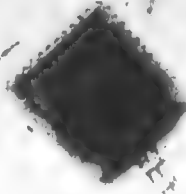
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

UNCLAIMED

R to W.

11833
009



Reg No 438
438

Opened by Del.

Mary Brown
not for them. Returned to Office 3/25

Mary Brown,
Bartlesville, Indian Territory.

RECEIVED, IND. TERR.
FEB 14 1906
DIVISION

226978

Cher. Fr. R 772

Cher. Fr. R 772

Trans. from Cher. F. D 876

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of John Carter for enrollment
as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

John Carter, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A John Carter.
Q How old are you? A 43.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q Your name upon the roll of 1880? A It ought to be, I don't know
whether it is.
Q The question is, whether it is or not? A It was there once.
Q Is it there now? A I don't know.
Q You know whether your name is on any of the rolls of the Cherokee
Nation? A Yes, sir.
Q What roll? A On the Kern-Clifton roll and the Wallace roll.
The 1880 authenticated roll of Cherokee Freedmen examined and
the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
The Kern-Clifton roll examined and the applicant identified
thereon, page 180, No. 3708, Cooweescoowee district;
The Wallace roll examined and the applicant identified
thereon, page 106, No. 2270, Delaware district.
Q What is your father's name? A Moss Carter.
Q Is he living? A No, sir.
Q What is your mother's name? A Sallie Ross.
Q Is she living? A No, sir.
Q Where were you born? A Born at Tahlequah.
Q Have you got any witnesses here? A Yes, sir.
Q Who? A Nelson Murrell and Chambers.
Q What Chambers? A Charlie Chambers.
Mr. Smith: Were you born a slave? A yes, sir.
Q Who did you belong to? A Allen Ross.
Q Was he an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Where did he live? A Tahlequah.
Q Where were you when the war commenced? A I was there I guess.
Q Have you any recollection of when you came back? A No, sir.
Q Where have you been living, as far as you can remember? A Been
here in the Territory all the while.
Q In what Nation? A Cherokee Nation.
Q Have you a place in the Cherokee Nation, any farm? A Yes, sir.
Q Where is it? A Twenty miles from here close to Coffeyville.
Q How long have you had it? A A good long while, I don't know
how long, I have had it most of my life, ever since I have been big
enough to have one.
Q Where have you had one? A In Cooweescoowee district and
Delaware district and over in Tahlequah district on Ranger Creek.
Mr. Hastings: Who did you come back with after the war? A I came
back with Moss Carter, my father.
Q How long did your father live after the war? A After the war,
I don't know how long he did live, I was too small.

John Carter - 2.

Q About how long? A He lived six or seven or eight or ten years after that I know, I never kept any account of that, I never thought of anything like that, I was too small to keep any such things.

Q Do you remember yourself personally coming back to the Nation after the war? A No, sir, I don't hardly.

Q And then the first you remember was being here after the war? A Yes, sir, I remember that.

Q Now when you can first remember, where were you in the Cherokee Nation, if you know? A When I first remember, my father and all of us were home.

Q Where? A Some place in the Territory over here east, I believe on Horse Creek.

Q How far from Vinita was that? A I don't know exactly how far it is, I can't tell you how far from there to Horse Creek.

Q Living in a house over there? A Yes, sir, had a little shanty over there.

Q That is when you can first remember? A First remember, yes, sir.

Q How far was that from Chetopa? A I don't know nothing about it, I never was over there to Chetopa and never heard any talk of Chetopa.

Q How far from the mouth of Horse Creek? A I don't know that.

Q How far was that to your nearest neighbor? A I don't know, I can't remember nothing about any neighbors or anything of the kind.

Q How long did you live on Horse Creek? A Part of the summer I guess or the whole summer and winter.

Q Make a crop? A My father made some kind of a crop and left.

Q On whose place? A On his own place, he made a little place I suppose, that is what I heard him say.

Q Do you remember being there? A I can remember living there good enough, and we moved back up.

Q What specially do you remember? A The racker with the Indians all the time.

Q With whom? A I don't know who they were, I can't tell you that, I was small, and my father was led to get away from there.

Q You know whether it was on the head of Horse Creek or not? A No I can't tell you that, it was on Horse Creek, that is what they said.

Q On what side? A I can't tell you whether on the east or west side.

Q In the Prairie or timber? A Some prairie and some timber.

Q Your house on the prairie or timber? A In the timber; all the darkies built as close to the woods as they could get when they came here.

Q You don't remember who was living about you? A No, sir.

Q Where did you go from Horse Creek? A We came to Goose Neck.

Q Goose Neck Bend? A Yes, sir.

Q That was in the summer then, was it? A It was in the fall I guess, seem like to me it was in the fall.

Q Do you remember who you first saw up there? A Yes,

Q Who was that? A The first man I saw up there I think it was, I don't know, I saw Nelson Murrell the first man I saw to know anything about, Nelson Murrell and Esau Fox and Joe Ross were living up on Snow Creek.

Q How far is Goose Neck Bend from Snow Creek? A About three or four miles away.

Q Did you locate up there on Goose Neck Bend? A Yes, sir, our old place is there now.

Q That was the first time you saw Nelson Murrell after the war, was it? A Yes, sir, I guess the first time I ever did know him in my life.

Q The first time you ever saw Esau Fox? A No, I guess Esau Fox saw me before but I didn't know anything about him.

John Carter - 3.

Q Was Nelson Murrell living there at the time? A Yes, sir.

Q Whose places did he pass from Horse Creek going up to Goose Neck Bend? A I don't know.

Q Remember passing any? A No, sir.

Q Don't remember anybody's name? A No, sir.

Q Who was your nearest neighbors you said up on Goose Neck Bend?

A Our nearest neighbors, Manuel Taylor was one.

Q He was living there then? A Yes, sir.

Q How far from you? A About a mile or two, we lived in the bottom and he lived on the edge of the prairie.

Q Was he living in a house? A Yes, sir, he had a kind of a shack there.

Q Have a little field? A I think he did, I don't know about that.

Q Did all them people have some crops in that year? A All that I saw.

Q Raise corn? A Yes, sir, I carried corn from Joe Ross' home, to get bread; didn't have any bread.

Q How far was that from your place? A That was about two or three miles, as I told you, that was in what they called Snow Creek neighborhood.

Q What size field did Joe Ross have? A About eight or nine acres looked like to me.

Q Did Joe Ross live on Snow Creek? A Between Snow Creek and Goose Neck.

Q How long did you remain at Goose Neck Bend? A I stayed there till my father got killed.

Q Who killed your father? A Josh Lowrey.

Q Was he ever tried for it? A Yes, sir.

Q Where? A Fort Smith.

Q Josh Lowrey alive now? A No, sir.

Q Did they hang him, or what? A No, sent him to the pen I guess, I saw him after he came back.

Q Know whether Josh Lowrey is a citizen or not? A Yes, sir, so said to be.

Q Well then, where did you go from there? A I went to Snow Creek after my father got killed, to my brother's.

Q What was his name? A Ed Rose.

Q Where did you marry? A I married at Snow Creek.

Q Who married you? A Joe Smith, a man staying over there.

Q Have you been back to Kansas since you have been here? A Yes, sir, I live right near Kansas and go there every day I get a chance to go there, and stay there as long as I can.

Q You stayed there as long as you could after the war? A No, sir, I don't know, I ~~wasn't~~ did from what I can hear.

Q You remember what year it is you went up to Goose Neck Bend?

A No, sir, I was just beginning to know what figures is, I didn't have no education here.

Q I thought you lived down to Tahlequah a while? A I did.

Q When did you live down there? A I went there for a year, left Goose Neck, and went to Grand River, and went on to Tahlequah to see my brother Stick Ross, and stayed here.

Q How long did you stay there? A Two or three years, going to seminaries, you remember me there, you saw me there, we had a time and a caucus there all the time, when we were running Stick for Council.

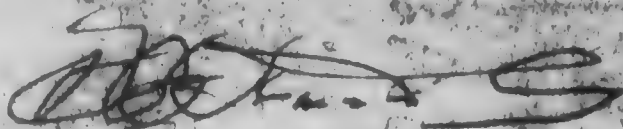
Taking o testimony continued by Stenographer Chas. von Weise.

Page 100 - 4.

George S. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

George S. Jones

Sworn to and subscribed before me this the 6th of July, 1906.



Notary Public.

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1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 18 1901

 ACTING CHAIRMAN

Application of John Carter.

Continued from Stenographer Bruce O. Jones.

Nowata, I. T. June 26th 1901.

NELSON MURRELL, called and sworn as a witness for the applicant-
By Mr. Smith-

Q What is your name? A. Nelson Murrell
Q How old are you? A. About 77.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant John Carter? A Yes sir.
Q Did you know his father? A. Yes sir.
Q What was his fathers name? A. None.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. David Carter.
Q Did you know None Carter's wife? A. Yes sir Sallie was her name
Q Who did this woman Sallie belong to? A. Allen Bess.
Q Was he a Cherokee Indian? A. Yes sir.
Q Where did she live just before the war? A. At Tahlequah.
Q Were they married? A. Yes sir.
Q Was John Carter, the applicant, born a slave? A. Yes sir.
Q What became of him during the war? A. He was taken north.
Q Who took him? A. His mother.
Q Do you know where they went? A. Fort Scott, Kansas.
Q Do you know when the applicant John Carter returned to the Cherokee Nation after the war? A. No sir.
Q When did you first see him in the Cherokee Nation after the war?
A I need him in 1867.
Q Where? A. I should have said 1867, I wish to call my word back,
it was 1867.
Q What time in '67? A. Spring of '67.
Q Where was he then? A. On Verdigris river.
Q What was he doing then? A. His father came there to get something
to eat.
Q You dont know how long he had been here then? A. No sir.
Q Where is his father now? A. He died, or was killed.
Q How long since his father was killed? A. I dont know how long.
Q About how long has it been? A. 15 or 16 years ago.
Q Do you know where John Carter lives now? A Yes sir in the Cherokee Nation on the Verdigris river.
Q How long has he lived there? A. Lived right where he lives now
for about five years.

By Hastings-

Q You never saw him until '67? A. '67.
Q You are not on the roll of 1880 yourself? A. No sir.
Q You are the man that built a house on Snow Creek in '68 and
raised a crop in '69? A I am.
Q You testify in a good many cases dont you? A. Yes sir in all
that I know anything about.
Q There was this man's father living when you first saw him? A.
South east of it.
Q How far from you? A. I dont know.
Q Tell about how far about four miles I guess.
Q How long and after you saw him first before you saw him the
next time? A. About four years I think.

Q Four years after '87? A Yes sir.
 Q You didn't see him again then until '91? A Yes sir.
 Q And you say you lived within four miles of him all that time and didn't see him in four years? A. (No response)

By the Commission-

Q Do you know if the applicant's mother ever returned here after the war? A. No sir she did not.
 Q Did his father return? A Yes sir.
 Q When? A. I don't exactly know when he did return.

Charles Chambers called and sworn as a witness for the applicant-

By Smith-

Q What is your name? A. Charles Chambers.
 Q How old are you? A. About 72 years old.
 Q Where do you live? A. On Big creek.
 Q What is your post office address? A. Hudson.
 Q How long have you lived in the Cherokee Nation? A. All my life
 Q Do you know this applicant here, John Carter? A. Yes sir.
 Q Did you know his father? A. Yes sir.
 Q Did you know his mother? A. Yes sir.
 Q Was John born a slave? A. Yes sir..
 Q Who did he belong to? A. Allen Ross.
 Q Was he a Cherokee Indian? A. Yes sir.
 Q Do you know if John was taken out of the Cherokee Nation during the Civil war or not? A. No sir I don't know, I believe he was.
 Q But you don't know about it? A. No sir.
 Q When did you first see him after the war? A. After the war I didn't see him until I came up on Snow Creek on the Widgeis.
 Q Who was that? A. In '79

By Gen'r Needles.

Q How old was he then? A. Quite a boy.
 Q Wasn't grown? A. No sir.
 Q Did his father go over during the war also? A. Yes sir I think so
 Q Do you know when he returned? A. No sir I don't.

By Gen'r Needles

John Carter applies for himself; he cannot be identified on the authenticated roll of 1880 or the census roll of 1890; he is duly identified on the Wallace and Kirt Clifton rolls; he swears, and the testimony shows that having a born slave and that he went out of the Cherokee Nation during the war and he returned during his minority. He will now be listed for enrollment as a Cherokee freedman on a doubtful card and the final decision of the Commission will be stated ~~on a doubtful card~~ ~~as a Cherokee freedman on a doubtful card~~ and then made known to him by mail.

=====


Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the

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DEPARTMENT OF THE INTERIOR

proceedings in the above case, and that the foregoing is a full,
true and correct transcript of his statements as therein.

Chas. J. ...

Subscribed and sworn to before me this 10th of July, 1901.



Notary Public.

File with F. D. 876.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSEA, I. T., JUNE 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedman; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Smith & Mellette, for Applicants;
Mr. W. W. Hastings, Cherokee Representative.

- Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1880, Mr. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1880? A No, sir.

BY MR. SMITH:

- Q What is your post office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q What Nation? A Cherokee.
Q Were you yourself born a slave? A Yes, sir.
Q Who was your Master? A Well I was born a slave of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know what her name was before she married Henry Nave?
A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation?
A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A Yes, sir.
Q In what part of the Nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell.
Q Did you go out of the Cherokee Nation before the war?
A Yes, sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '65, February, '65.
Q Where did you come to? A I came to the Cherokee Nation.
Q What point? A Up in Cooweescoowee.
Q Well near what place? A Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A I don't know exactly how far from Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation?
A Yes, sir.
Q Well after you came in 1865 when did you come out again after you went out? A Went back again about a month after I came in '65.
Q Did you return to the Cherokee Nation at any time after that?
A Yes, sir.

Q About when? A Came back in July.
 Q Of what year? A Same year.
 Q Did you remain here at that time? A No, sir.
 Q What did you do then? A Went back.
 Q When did you return then to the Cherokee Nation? A In '65, in the fall, in '66 and '68 I mean in the fall.
 Q Well where did you locate? A I located on the Verdigris on the east side on the Verdigris, west side of Snow Creek.
 Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
 Q When was it you made that location? A I made that location in '75 where I live.
 Q Where had you been up to 1875? A I had been back to Kansas.
 Q When was it now you said you first came down here? A I come down in February, '75.
 Q You don't mean '75? A No, sir, '65.
 Q How when did you first make that first location? A I made it the same time.
 Q You said Mr. Murrell, '75, a while ago? A I took that back, I made a mistake.
 Q Well when was it? A I came in '65.
 Q That is what you said when I asked you when you made your first location? A My first location I made it in February, '65.
 Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
 Q Who is your wife now? A Flora Murrell.
 Q How long have you known her? A I have known her 40 odd years.
 Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, may be more I won't be positive.
 Q Where? A Close to Tahlequah, Park Hill.
 Q Before the war? A Yes, sir.
 Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
 Q Well, when did you see her next? A I saw her along about '73, 1873, I saw her.
 Q Where was she living? A Well, she, she come into the country there where I lived.
 Q Well, where were you living? A I was living out there near Snow Creek.
 Q Was she ever married before she married you? A Well, sir, she come there a married woman.
 Q What was he husband's name? A Robert Vann, Louis Vann in Cherokee.
 Q When did you marry? A I married about 26 years ago.
 Q Have you and she been living together ever since? A Yes, sir.
 Q Where? A Up where I live now, Snow Creek.
 Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
 Q You don't know where she was in 1866? A No, sir.

BY MR. HASTINGS:

Q You come down in 1865? A Yes, sir.
 Q Who come with you at that time? A Joseph Ross and Frank Nave.
 Q Anybody else? A That is all.
 Q Where did you come to? A Come to Verdigris.
 Q Near Snow Creek? A Yes, sir.
 Q How long did you remain up there? A About one month, somewhere along about that.

Q Where did you go from there? A I went back to Kansas.

Q How long did you stay in Kansas? A I come back the next time in June.

Q The following June? A Yes, sir.

Q What did you do then in June? A Out hay.

Q You put up hay then did you? A Yes, sir.

Q Then you went back did you? A Yes, sir.

Q Well when did you come back then? A I come back in the fall.

Q Same fall was it? A Fall of '66.

Q Was it the same fall you put up the hay in June? A Fall of '66.

Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.

Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.

Q The first time you ever come here that was in February?

A Yes, sir.

Q According to your testimony you stayed here about a month?

A About a month.

Q You and Joe Ross and Frank Nave? A Yes sir.

Q Frank Nave is dead, isn't he? A Yes, sir.

Q Now, you stated you stayed here about a month at that time?

A Yes, sir.

Q Then you went back to Kansas? A Yes, sir.

Q Now, you stated that you came back here the following June and put up hay, is that true? A That is true.

Q Now, then you went back to Kansas again? A Yes, sir.

Q Now, the next time you moved is that correct? A Yes, sir.

Q And that was the following fall? A Yes, sir.

Q Now, the first time you come here was in February, '65?

A Yes, sir.

Q Now, who come with you when you come in June? A Joseph Ross, Pasy Gibson, Ben Pee and Caesar Hog.

Q That was all was it? A Yes, sir.

Q Did you see any colored people, anybody when you first came?

A Yes, sir.

Q Who? A Amos Adair.

Q You testified in Amos Adair's case the other day didn't you?

A I did.

Q Did you see any colored people here the following June when you come? A Mr. Adair.

Q He was here in June was he? A I think he was, in I mistake not.

Q That was the June after you were here in February? A Yes, sir.

Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.

Q You never saw any colored people while you were on that trip?

A No, sir, not on that trip.

Q Now about that time did you return to locate?

A I returned to locate the third time in the same following fall.

Q In the same following fall? A Yes, sir.

Q About when? A Along about the first of the fall, I don't know exactly.

Q You don't remember the month? A No, I don't remember the month.

Q Do you think it was as early as September? A It hadn't got cold yet.

Q The leaves were on the trees? A Yes, the leaves were on the trees.

Q You never lived about Fort Scott Kansas did you? A No, sir, I never did live there.

Q You didn't make a crop on the Stuart farm did you? A No, sir, I don't know nothing about Stuart.

Q Did you make a crop up there? A Yes, sir.

Q On whose place? A I made a little crop on John McKibben's place one year.

Q What did you raise? A I raised a little corn.
 Q What year was that? A That was while the war was going on, I think it was in '63.
 Q Wasn't you in the army? A No, sir, wasn't in no army.
 Q You never made a crop in 1865? A No, sir.
 Q Did you make one in 1866? A No, sir.
 Q Did you make a crop up there in '67? A No, sir, I wasn't up there.
 Q Did you know a man by the name of Rector? A Yes, sir.
 Q What country was he in? A Bourbon County (Kansas.)
 Q Did you know Mrs. Brumby? A I got acquainted with her down here
 Q You never knew her up there? A No, sir.
 Q You never saw her before? A Never saw her before I saw her here
 Q Where did you get acquainted with her here? A She was at my house.
 Q On Snow Creek? A Yes, sir.
 Q You come, then, and located on Snow Creek, did you?
 A Yes, sir, on Snow Creek.
 Q You had built that house in there in February before?
 A February before.
 Q Where did you spend the winter before that? A The winter before that.
 Q The winter before you come down here? A Near Mound City.
 Q Murrell, do you belong to the Freedmen Protective Association?
 A Yes, sir.

Objected to by Attorney for Applicant because it is incompetent, irrelevant and immaterial.
 Objection overruled by the Commission.

Q Who are your witnesses? A Joseph Ross.
 Q Does he belong to that Association? A I don't know whether he does or not.
 Q Don't you know the members of it? A Yes, He belongs to it.
 Q Who is any other witness? A Steven Looney.
 Q Does Steven Looney belong to it? A I don't know whether.
 Q Does he belong to it? A I don't know; he lives in another neighborhood.
 Q About how far from you? A About three miles.
 Q You don't have different Associations every three miles?
 A Might have different places where they meet.
 Q About how many belong to your association? A I don't know.
 Q Well, about how many? A May be 20 or 30.
 Q Are you meetings held in secret? A No, sir.
 Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.
 Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
 Q You have testified for several? A Yes, sir.
 Q You were at Fort Gibson? A Yes, sir.
 Q You went down there as a member of the Committee?
 Q I went down there with a man.
 Q You are down here as a member of the Committee?
 A Yes, sir.
 Q What other witnesses have you got? A. Sam Webber.
 Q Does he belong to your association too? A I don't know nothing about Sam Webber.
 Q Don't you know the members of your association? A I know the members where I live; Sam Webber lives at Nowata.
 Q Well now, does this Joe Ross belong to it?
 A Yes, sir.

BY MR. SMITH:

Q What did you say that the purpose of that association was.

A The purpose of that Association is Cherokee Freedmen Protective Association, Cherokee Freedmen.

Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to the Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedmen, or there has no right to be there; that is the order.

BY W. A. HASTINGS: It is a secret order is it? A No, sir; no man comes in there belonging to the United States, he has no right in that order.

BY MR. SMITH:

Q Mr. Murrell, do you know how many of these Associations there are? A No, sir; I don't know exactly there may be three or four, four or five, as far as I know.

Q You were asked if you had testified for a good many of the applicants? A Yes, sir, I was asked that.

Q You stated that you had I believe? A I had for a good many.

Q Have you testified for any applicant except these that you knew to have been here in 1866? A No, sir, I haven't; I deny the charge.

Q You have been in attendance consistently upon this This Commission since it has been meeting at Chelsea? A No, sir.

Q Have you heard any Cherokee Indian testify in favor of these applicants? A All come back in '79, I haven't heard many one.

Q How many people on the part of the Cherokee Nation have you observed on this front row right here (Indicating.)? A Oh I have observed several.

Q Do you know what they are doing? A I see some slipping in little slips here to Mr. Hastings and others say they preparing them around there and slipping them here.

Q Do you know in what capacity they are retained here? A No, sir, I can't tell.

BY MR. HASTINGS:

Q Mr. Smith has been the Attorney of a good many hasn't he?

A You know how many he is for.

Q He has the calling hasn't he? A Yes, sir.

Q He has not called any Cherokee citizens has he? A No, sir.

Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1866? A I don't know anything about how many.

Q The Cherokee Nation made that roll? A Till you got there with them I don't know.

Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.

Q And they recognized in 1866 about two thousand old slaves?

A Yes, sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1866?

A Yes, sir, I do.

Q Were you here when that census was taken? A Yes, sir.

Q Do you know how that census was taken? A Yes, sir.

Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Coffeyville, where Old Parker was at that time; these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who lived over there and they would tell them.

BY MR. HASTINGS: You don't know that? A Yes, sir; I knew it, I know it to be a fact.

Q The National Council revised and authenticated this roll of 1866 didn't they? A I don't know; they done so many things, I don't know what they done.

BY COM'R NEEDLES:

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T. B. Needles, testified as follows:
EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.

Q Where do you live, Mr. Looney? A I live up on the Verdigris.

Q How long have you lived there? A I have been living there ever since the fall of '66.

Q Have you got any brothers and sisters? A I have a sister I have no brothers.

Q What is your sister's name? A Frances.

Q Frances what? A Frances Patterson, if she goes by her husband's name, and have one named Mandy.

Q Do you know Nelson Murrell? A Yes, sir.

Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little boy.

Q How old do you say you are? A About 58.

Q Where did you know Nelson first? A Knowed him at Park Hill.

Q Where was Park Hill? A Down in the Cherokee there.

Q Near what town now? A Tahlequah.

Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his mistress, Mandy Murrell, she is a Cherokee.

Q Did he ever belong to anybody else except them? A Not as I know of.

Q Not that you know of? A Not as I know of.

Q Which is older you or he? A He is older than I am.

Q Do you know whether he went out of the Nation during the war?

A Yes, sir.

Q Did he? A Yes, sir, I guess he did.

Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together come to the Cherokee Nation.

Q Where did you come from? A Come from Fort Scott, Kansas.

Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.

Q Well, when did you come? A We come in the fall of 1866.

Q Where did you come to, what point; you said on the Verdigris river, now whereabouts? A Right close to Gooseneck bend.

Q Where have you been living ever since that time? A I have been living right where I live now.

Q How far does Nelson Murrell live from you? A It must be three miles or more, about three miles and a half I guess.

Q Something near three miles and a half? A. Yes sir.

Q Well, where has Nelson Murrell been living all this time?

A Been living right where he is now.

Q Since when? A. Since we moved there in '66, the fall.

Q Do you know his wife, Flora Murrell? A Yes, sir.

Q When did you get acquainted with Flora? A Well, I used to know her before the war.

Q How long had she and Nelson been married, do you know?

A I don't know.

Q Well, is it a long time or short time? A Been a good while ago.

Q Are they living together up there now? A Yes, sir.

BY MR. HASTINGS:

Q What was his wife's name when you first knew her? A If I ain't mistaken it is M a welton.

Q Welton? A Yes, sir, if I mistake not.

Q Who did she belong to before the war? A If I ain't mistaken,

might be mistaken, George Melton, or Lewis Melton, it was the Melton family; there was a whole lot of them.

Q Where did she live before the war? A They did live there a while at Park Hill.

Q Where did you live? A I lived on Illinois river.

Q Do you think they belonged to the Meltons? A Yes, sir.

Q Was she and Uncle Nelson married before the war?

A No, sir, I think not.

Q Wasn't they living in Kansas together? A I don't think she was.

Q Well when did you first see them living together? A Well that is when I was telling you I don't know how long since they was married.

Q When did you first see them, how long ago? A He was up on Snow Creek.

Q Did he bring her back with him when you come with him? A I don't think he did.

Q When did he bring her? A I couldn't tell you that.

Q You can't say whether he brought her with him or not?

A No, sir.

Q Who did he bring with him? A He brought a woman by the name of Eliza.

Q Is she living? A No, sir; she is dead.

Q When did she die? A She has been dead a good while ago, I could not tell you just how long it has been.

Q How long was it after the war was it until you saw this woman?

A Well I could not say that either, it has been a good while ago.

Q Do you know whether she was ever married before?

A No, sir, I could not tell that.

Q When is the first time you were ever down here after the war?

A I come in the fall of '66.

Q That was the first trip you ever made? A That is the first trip to my recollection.

Q That is when you moved down? A Yes, when I moved down.

Q About what time in the fall was it? A Kinda cold, late in the fall.

Q Pretty near Christmas? A It might have been.

Q About how long was it after the treaty, after you heard of it until you come? A I told you once I didn't know about what time, it might have been close to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.

Q You never kept up with dates very well? A No, don't know anything about it.

Q You didn't come down with Uncle Nelson in June or July before?

A No, sir.

Q Did he have any house built down there? A If he did I disremember her.

Q You didn't see it? A No, sir.

Q Did he have a crop down there? A No, sir.

Q No corn? A No, sir.

Q Have any hay? A Well, he might have had hay; I didn't stop around him very long, I moved right across the river.

Q How far did you locate from him? A It must be three miles or three miles and a half.

Q Did he come in a wagon? A Yes, sir.

Q How many wagons did Uncle Nelson have? A One as I know of.

Q Only one team? A Yes, sir.

Q Well, where did you get in with Mr. Marrell at? A Fort Scott.

Q Did he live there in Fort Scott? A Not right in Fort Scott he didn't.

Q On whose place was he living? A I disremember the man's name now.

Q Do you think you would remember it if I was to call it?

A I don't ~~remember~~ know whether I would or not.

Q Do you remember a man's name by the name of Stuart?
 A I don't believe I do.
 Q Do you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.
 Q He was living on a farm near Fort Scott? A Yes, sir.
 Q And there is where you got up with him? A Yes, sir.
 Q Do you belonged to uncle Nelson's Freedman Protective Association? A I told you not.
 Q You live within three miles from him? A Yes, sir, I could live in the house and then not belong to what he did.
 Q He testified for you? A Yes, sir.
 Q Are you are testifying for him? A Yes, sir.
 Q Yet you don't belong to his Protective Association? A Hasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Joe Ross.
 Q How old are you? A I am about 60 years old.
 Q Where do you live? A Up in Cooweescoowee.
 Q What is your post office? A Coffeyville.
 Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.
 Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
 Q Do you know Nelson Murrell? A Yes, sir.
 Q Was he out during the war, or did you know about that yourself?
 A Out during the war?
 Q Yes, was he out during the war, or did you know? A Yes, he was out during the war.
 Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him me and him come down to the Cherokee Nation from Kansas.
 Q When did you come? A In '65 first.
 Q Where did you come to? A Down here on the Verdigris.
 Q In what district? A Cooweescoowee District.
 Q That was Cherokee Nation? A Yes, sir.
 Q Well, where have you been living ever since that time?
 A I have been living right here.
 Q What do you mean by right here? A In Cooweescoowee until we come back.
 Q How far do you live from where Nelson Murrell lives?
 Q We live right close together.
 Q How close together? A We stayed pretty near in one house pretty near together.
 Q Do you mean now? A Not now, he stays on one side of Snow Creek and I stays on the east side.
 Q How far do you live from him now? A About two or three miles.
 Q Do you know where Nelson Murrell has been living since you and he come back here in 1865? A Yes, sir.
 Q Where? A Right where he is living now.
 Q And where is he living now? A Verdigris.
 Q In what Nation? A Cooweescoowee.
 Q Cooweescoowee District you mean? A Yes, sir.
 Q Well, what Nation is it in? A Cherokee Nation.

BY MR. HASTINGS:

Q Do you know what Nation that is, are you positive? A I know it is Cherokee Nation all right.

Q Do you know what district it is? A Yes, sir.
Q What? A Cooweescoowee District.
Q Uncle Joe, what year is this? A I don't know, sir.
Q Do you know any year? A Mighty little.
Q Don't know anything about dates? A No, sir.
Q Do you know what year you were born? A No, sir, I don't know that.
Q Do you know what year you were married? A No, sir.
Q You don't know about any other than, anything but them one you mentioned? A Yes, sir.
Q That is the only year you know? A No, sir.
Q What other year do you know? A '65.
Q Don't you know any other year? A No, sir.
Q You never heard of any other year? A Yes, sir.
Q What other year did you hear of? A '66.
Q Did you ever hear of any other? A No, sir.
Q You never heard of any other except these two? A No, sir.
Q Where did you live before the war? A Lived with John Ross.
Q Did you know Nelson Murrell's wife? A Yes, sir.
Q Flora? A No, sir; one he lived with up there, I knowed his wife was Eliza Murrell.
Q Well his present wife; is that his present wife? A Yes, sir.
Q Well, I didn't know that that is the wife he is living with now?
A Yes, sir.
Q How long have you known her? (No response)
Q You come to Snow Creek did you? A Yes, sir.
Q About what time of the year did you come to Snow Creek?
A Come there in '65 the first trip I made.
Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.
Q About Christmas? A No, it was not Christmas.
Q Well, was it before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
Q Snow on the ground? A Snow ketched us on the ground before we went back.
Q Who come with you? A Me and Nelson Murrell and Frank Nave.
Q How long did you stay here? A About a week and some nine or ten days.
Q The snow caught you on the ground while you were down here?
A Yes, sir.
Q What did you come down for? A We fetched a load of flour down.
Q Is that the old time you were down here before you moved?
A That was before I moved I come down here.
Q Then the next time you come down you moved?
A No, sir, I come two trips, third trip I moved.
Q Who come with you the second trip? A Me and Murrell.
Q Who else? A Pogy Bigson.
Q And who else? A That is all I remember.
Q What did you do that time? A We cut some hay and put up.
Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
Q How long did you stay? A We stayed a week or so.
Q What did you cut hay with? A Mowing blade, grass blade.
Q And put it up in stacks? A Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that.
Q Was that in 1866 you come that time?
A In '66, we went up and moved our folks down to our houses.
Q You have lived up there on Snow Creek ever since?
A Yes, sir.
Q Uncle Nelson testified for you in your case? A Yes, sir.
Q And you are testifying for him in his? A Yes, sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association?
A I didn't know they had a Freedman.

Q Do you belong to it? A I don't know whether I is or not.
Q Do you belong to an Association of colored people? A Yes.
Q Good many people

Mr. Smith: Mr. Court, I want to make a formal objection because it is irrelevant, incompetent and immaterial.

Objection is overruled by the Commission.

Q I want to ask you if a great many don't belong to that association up there? (no response.)
Q Say, Joe, don't a good many people belong to that Association?
A Not a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q It is a Secret Association isn't it? A I guess it is.
Q You only let certain persons in? A We let all come in we don't want to come in.
Q Steven Looney belonged ot it? A I don't know whether he is or not.
Q You don't know the members of it? A I know 'em, but they.
Q You can't tell them? A No, sir.
Q You are not allowed to tell them? A No, I ain't.
Q You are not allowed to tell the purpose of it are you?
A No, sir.
Q It is a secret Association then isn't it? A It must be.
Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee Nation.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Who did she belong to before the war? A She belonged to old man Melton.
Q When did she and Nelson marry? A I don't know, sir, when they married.
Q Before or after the war? A Well, before the war; yes, before the war.
Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family?
A No, sir, he didn't.
Q Well, who did he bring? A He brunged his wife with him what he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman?
A I saw her, don't know how long it was.
Q Did she come along with you people? A No, sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when she came? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson?
A I didn't appoint him.
Q I mean that Association down there they sent him down there?
A No, sir, they didn't.

BY MR. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flora Melton was when you and Nelson came back down here in 1865? A No, sir, I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.

Q Can't say? A No, sir I can't say.
Q Now, who was Nelson's wife before he married Flora? A Eliza Williams.
Q Eliza was her name was it? A Yes, sir.
Q Well, Nelson was not married to Flora before the war was he?
A No, sir.

FLORA MURRELL, being called and sworn by Commissioner
T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris river.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation?
A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced?
A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Cherokee Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I was up in Big Bend.
Q Where is Big Bend? A Up on the Arkansas River.
Q In what Nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war?
Q No, sir.
Q Where were in the year 1866, immediately after the war closed?
A I was at Big Bend, I don't know none of that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all?
A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary Melton, and had a daughter named Susie, George and Catherine and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced?
A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any neared than Tahlequah.
Q Well, how far did you live from Tahlequah? A They called it a hundred miles.
Q You don't know how far it was? A No, sir.
Q Now, this place you were talking about living what town if any has been built up near that place since? A I don't know sir as there is any, I ain't been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have you ever been married before you married Murrell?
A Yes, sir.
Q Who was your husband? A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.
Q Was Joe Vann an indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Were in the Cherokee Nation? A Yes, sir.
Q How long were you and Louin Vann married? A Well, I can't know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes, sir.

Q What are their names? A We had eight children, I haven't got but three living.

Q Give me the names of these children? A Sonny Smith.

Q Is that a man or woman? A He is a man.

Q And what is the next one's name? A Charley Vann.

Q What is the next child's name of the three living? A Lila Hopkins, she is married.

Q Is that meant for Delilah or just Lilah? A Meant for both but we just called her Lilah.

Q Is she married? A Yes, sir.

Q Whom did she marry? A She married Oliver Hopkins.

Q Where does she live? A She lives on Caney.

Q In what Nation? A Cherokee Nation.

Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.

Q How long have they been married? A I don't know; been married long enough to have seven or eight children.

Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.

Q Where was Lilah before she married? A She was living with me.

Q Where did she live up to the time she was married? A With me.

Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.

Q Where? A On Snow Creek.

Q In what Nation? A Cherokee Nation.

Q Is Charley married? A No, sir.

Q What is his wife's name? A Her name is Kissie.

Q How many children has he got? A One.

Q What is its name? A William Vann, she is a girl.

Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.

Q Where had Charley lived up to the time he was married? A Lived out here with me.

Q Where did Sonny live? A He lived out home with me, when he was not working out.

Q Where does Sonny live now? A I know not where.

BY COM'R NEEDLES:

Q Flora, you say you never lived out of the Cherokee Nation?

A No, sir.

Q Were you born a slave? A Yes, sir.

Q Is your name on the roll of 1880? A Not as I know of.

Q Why is it not on? A I knew when they was taking the census of 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and get me and when I got up there it was late in the evening and Rufus told me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there he was gone.

Q Your name never did get down? A No, sir.

Q Are you married to Marrell? A Yes, sir.

Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The 1886 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
 Page 170, #4124, Nelson Marrell, Seaway District.
 Page 185, #4121, Flora Marrell, no district given.

The Wallace Hall of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Cooweescoowee District.
Page 128, #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:

- Q You made a statement here about Rufus Hess taking the census roll in 1880? A I don't know what year it was, I don't know as I said when he taken the census.
- Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
- Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
- Q Do you remember what year you were married to Mr. Murrell? A No, sir.
- Q Do you remember how long after the war? A No, sir, I don't.
- Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
- Q Where was Charley born? A Born at Big Bend.
- Q Big Bend where? A It was up on the Arkansas.
- COM'R HENDLES: Cherokee Nation? A It was Cherokee Nation then.
- W. W. HASTINGS: It was then? A Yes, sir.
- Q Where was Delilah born? A On the Arkansas river.
- Q Which is the older she or Charley? A Charley.
- Q How much older is Charley? A Oh, I don't know just exactly between two or three years.
- Q Where was Benny Smith born? A He was born on Bird Creek.
- Q Is he elder or younder than the other two? A Yes, is the oldest child.
- Q Where were you living when the war come up? A I was living at the Big Bend.
- Q Were you then a slave? A Yes, sir.
- Q Whom did you belong to? A I belonged to Lewis Melton.
- Q Did Lewis Melton ever live in the Big Bend of the Arkansas? A No, sir.
- Q Well who were you living with out there? A I was living with my husband.
- Q Had you run off? A Yes, sir.
- Q How long had you been away from your owner? A About four years.
- Q Had you been living out there in the Big Bend all that time? A Yes, sir.
- Q You didn't go to Muskogee? A No, sir.
- Q Never went outside of the Cherokee Nation? A Well if you call the strip and one side of the Arkansas river that is where I was.
- Q What were you doing up there that four years? A I was hiding.
- Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.
- Q What friends did you know up there? A Dade Webber and Skiateok.
- Q Skiateok who? A That is all I know I know about him.
- Q Was he colored? A He was a Cherokee.
- Q Full blood? A I guess he was, he talked Cherokee.
- Q Didn't talk any english? A No, sir.
- Q He fed you did he? A Yes, sir.
- Q Who else? A Wiley Butler.
- Q Was he a Cherokee? A Yes, sir.
- Q Did either Wiley Butler or Skiateok have any family? A Wiley Butler had but his wife was dead.
- Q Is any of his family alive now? A I don't know, sir.
- Q Is any of Skiateok's family living? A I don't know.
- Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
- Q What was Dade Webber doing out there? A He was herding cattle

out there for his Mistress and I can tell you others that was out there.

Q What was his Mistress's name? A I don't know what his Mistress' name.

Q How far were you from her cow ranch? A It was right in the Big Bend.

Q Did you have a house out there? A No, sir.

Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.

Q On what side of the river? A I lived on the west side.

Q Any towns near? A Not as I know.

Q You never heard of any town? A No, sir, and I never wanted to see any at that time.

Q What was your husband's name? A Louin Vann in Cherokee.

Q He was out with you? A Yes, sir.

Q Well after the war closed did you come back? A I come right down the river.

Q In a skiff? A I come back in a wagon.

Q From what point? A From the Big Bend.

Q Who brought you? A My husband brought me.

Q Just you and your husband? A And my children.

Q Where did you go to? A When I first come back I come down on Pryor Creek.

Q Is that below here? A I don't know whether it is below here; I think it is below here.

Q You know where Pryor Creek is, it runs over about 20 miles and I want to know what part of Pryor Creek? A I come down on Pryor Creek to Mr.; I can't call his name just now.

Q Well how far from Cheuteau? A I don't know sir, how far it was from Cheuteau.

Q What town was your nearest town? A When I came back?

Q Yes, A Wagon's any town there at all when I came back.

Q Don't remember who you lived with there? A I didn't live with anybody but my husband.

Q Did you make a place down there? A No, sir, I just went down there to my mother.

Q What was your mother's name? A Sarah Ross.

Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.

Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly how long that was.

Q Was that the first trip you made here? A My mother was living at Tablequah the first trip I made down here I went to Ben Grinnetts.

Q Where was Ben Grinnett living then? A He was living on Pryor Creek.

Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.

Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.

Q And your husband? A Yes, sir.

Q He went with you? A Yes, sir.

Q In a wagon? A Yes, sir.

Q Where did you get this wagon? A I don't know he went out and got it.

Q You hadn't it there during the war? A No, sir; you never seen negroes have wagons and horses about when they run off.

Q I am asking you where he got it? A My husband got it he went out and got it.

Q This first trip is when you come down to Ben Grinnett's?

A Yes, sir.

Q How long did you stay? A I stayed all night.

Q How long did you stay? A I went back to my cave.

Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.

Q Well did you stay there a year? A I ~~might~~ might stayed a little longer than a year.

Q That was after the war? A Yes, sir.
 Q Did you see anybody on your trip down to Ben Grinnett's?
 A Oh, I seen some Indians but I didn't stop to have any chat with them.
 Q Did you see any colored people? A Yes, sir.
 Q Well what? A I didn't stop.
 Q Where did you see any houses? A Along the road between there and Caney, along.
 Q Caney that is up by Bird Creek? A Yes, sir.
 Q Houses along there? A Yes, sir.
 Q People living in them? A Yes, sir, I seen some children.
 Q Well, now, where did you go to from your cave after you returned there? A The last time?
 Q Yes. A I went down to Pryor Creek, mother had moved there and I went down there.
 Q And then how long did you stay down there? A I stayed about two or three years.
 Q That was two or three years after the war? A I said weeks, weeks is weeks and years is years.
 Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
 Q That is your best judgment? A To the best of my knowledge.
 Q You stayed there then two or three weeks, did you?
 A Yes, sir.
 Q And then where did you go? A I went back to my place up on the Verdigris.
 Q Was your husband alive then? A Yes, sir.
 Q Did he move up on the Verdigris with you? A Yes, sir.
 Q Where did he die? A He died at Pryor Creek.
 Q When? A About five or six months after we got in.
 Q And you afterwards married Nelson Murrell?
 A Yes, sir.
 Q Is any of that family, Melton's family, alive that you belonged to before the war? A There was, I guess you had my young mistress before you, had Nancy Sage.
 Q Is she your young Mistress? A Yes, sir.
 Q Was she the daughter of Melton? A Daughter.
 Q Did he have any other children? A Oh, yes, he had a house full.
 Q What was their names? A Betsey, Nan, Mary and Catherine, and George, Ed, Mose and Susie.
 Q Where were they living when you run away? A Verdigris.

BY COM'R NEEDLES:

Q Flora, what was your father's name? A Sonny Brown.
 Q What was your mother's name? A Sarah Ross.
 Q You were a slave? A Yes, sir.
 Q Where is this Big Bend you have been talking about?
 A Up on the Arkansas River.
 Q Is it in the Cherokee Nation or Kansas? A In the Cherokee Nation.
 Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
 Q That was in the Cherokee Nation? A Yes, sir.
 Q This cave was in the Cherokee Nation? A Yes, sir.
 Q You never went over to Kansas hiding, then? A No, sir.
 Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
 Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.
 Q They never found you? A No, sir.

(Remainder of Application taken by Stenographer M. D. Green)

J. B. Brown, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[Signed] J. B. Brown.

Subscribed and sworn to before me this 19th day of July, 1901.

[Signed] E. M. Needles.

Commissioner.

James O. Carr, Stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and correct copy of the original testimony on file in this case.

Subscribed and sworn to before me this 20th day of July, 1901.

James O. Carr
Philip R. Hunter
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 6, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; BOB WEBBER, being sworn and examined by Commissioner Needles, testified as follows:

Appearances: Smith, of Mellette & Smith, for applicants;
W.W.Hastings, for the Cherokee Nation.

- Q What is your name? A Bob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Cooweescoowee District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell? A Yes sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

- Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war came up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, just before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes, sir.

Examined by Attorney Smith:

- Q When did you first see her first after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:

- Q Did you know her owner? A Lewis Melton, yes, sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was scouting.

Examined by Cherokee Representative, W.W.Hastings:

- Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

- Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then came back in '86 and have been here ever since.
Q You knew Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the time the war was coming up, we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How ~~far~~ far did you live from the ranch? A I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time?
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that was where Lewis Melton, her owner, lived?
A I don't know exactly, some ten or twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge.
Q Who did she come there with? A Man named Lewan Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, H.W.Hastings:

- Q How old are you? A I am about 58, as near as I could remember, I don't know exactly my age.
Q You were about 17 years old when the war came up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Dugh Webber.
Q Bob was along at the time you saw this party this Bob that was a witness here awhile ago? A Yes, sir, he was older than I was.
Q He would know the dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A No sir.
Q You didn't tell your people? A Told my parents.
Q But you didn't tell anybody else about seeing her up there?
A No, sir.
Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.

Examined by Commissioner Needles:

Q You know she was a runaway? A Yes, sir, I knowed that all right enough.

Q But you didn't go and tell her owners where she was? A No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Kers-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1890 or on the census roll of 1894; they make satisfactory proof as to residence, - by reason of the fact that their names are not upon the authenticated roll of 1890, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 8, 1902.

(Signed) T. B. Needles.

Commissioner.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, states that the foregoing is a true and correct copy of the original testimony filed in this case.

Subscribed and sworn to before me this 30 day of July, 1902.

Notary Public.

File with Cherokee Freedmen B-548, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 29, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Mellette & Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doct? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your post office? A Coody's Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeyeake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee nation what section of the country? A I was on the Journeyeake Prairie, boarding with old man Journeyeake.

Q How far was Journeyeake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeyeake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses along there? A After you left old man Journeyeake's, the first house would be the widow Goodtraveller, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.

Q Were you out over the country around Snow Creek during that year? A That year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I could buy some lots, me and old man Journeyeake and one Daniel R. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q How how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you apothecian? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '68.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeyeake's house on the 28th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek? A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to build that town called Parkersburg.

Q Did they build it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along down there.

Q Did they have any plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man what would give me sufficient news about it to purchase any lots.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household wares.

Q Did you buy them? A I did.

Q How far was it from Journeyeake's where you started to Parkersburg? A Oh it is 25 or '6 miles.

Q And in what direction was Parkersburg from Journeyeake's?

A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started it the fall of 1869 from Journeyeake's, did you?

A Yes, sir.

Q Where did you? A I started from home.

Q Where did you live? A I lived up at Coedys Bluff.

Q How far was that from Journeyeake's? A About four miles.

Q In what direction from Journeyeake's? A North.
 Q Then you started from four miles north of Journeyeake's in the fall of '69 to go to Parkersburg? A Yes, sir.
 Q How did you travel? A I went horseback.
 Q And was there a road to travel? A No, there was no road.
 Q Wasn't any road? A No, I didn't follow any road.
 Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
 Q Once or more than once? A I only crossed it once going up.
 Q And once coming back? A Yes, sir.
 Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
 Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
 Q Well, it is not the same distance from the Kansas line all the way long, is it? A I don't know, I never followed up the Creek.
 Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
 Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
 Q Well travelling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
 Q And crossed the creek? A Yes, sir.
 Q You didn't have to follow the creek? A No, I didn't follow the Creek.
 Q You just simply crossed Snow Creek in 1869? A Yes, sir.
 Q Well now then you are not prepared to say that this applicant Nelson Murrell, wasn't living on Snow Creek in '69? A. I am prepared to say I didn't see any houses nor farms in the travel.
 Q But you say you only touched Snow Creek at one point? A That is all.
 Q And there wasn't any house right there? A Wasn't any houses in sight, I didn't see any houses.
 Q Up or down the Creek? A No, sir.
 Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you wouldn't have seen it?
 A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me then days I could have seen it.
 Q Under favorable conditions you could have seen it? A Yes, sir.
 Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Q ~~Mr. Davenport~~ What is your name? A Simon Love.
 Q Where do you live? A Claremore.
 Q How long have you lived in the Cherokee Nation? A Ever since '68.
 Q Are you a Cherokee or a Delaware Indian? A Delaware.
 Q Did you come to the Cherokee nation before or after the treaty made with the Delawares and Cherokees? A After.
 Q What was your father's name? A My stepfather's name was Buffalo.
 Q Well, did he have any English name? A Little Buffalo they called him.
 Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
 Q What was your stepfather's name? A Little Buffalo.
 Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek about fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge?

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to trade up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lashbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any house there? A There was one house there that I can remember, a carpenter that built out house lived there, a man named Baker, in the fall of '88 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build out house; I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you know this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little further away, a little further east.

Q How long since you have been in that locality? A I have been in there quite a while, I don't know really.

Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.

Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.

Mr. Smith: Mr. Love, you and your family were among the first

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there? A No, sir.

Q What season of the year did you come to the Nation? A February

Q When did you get a house? A Got a house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q How you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

Q Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well, now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Conner's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Conner's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q How know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were up the Creek then from the mouth of the creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.

Q How where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.

Q How what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.
 Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
 Q When you had to go to Kansas, what direction did you travel?
 A North.
 Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
 Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.
 Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
 A Well I went after that carpenter that built the house.
 Q I mean outside of the carpenter and Clymore? A No, sir.
 Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.
 Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.
 Q How do you know how far that is from the mouth of Snow creek?
 A I should judge about a mile and a half or two miles.
 Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
 Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
 Q How then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
 Q You can't swear he didn't live there? A No, I can't.
 Q You can't swear there wasn't a house there? A I don't think there was a house there.
 Q Except at the place you crossed? A There wasn't any houses there.
 Q How about a mile up the creek or a mile down the creek? A That I can't tell.
 Q You don't know, do you? A No, I don't think there was any houses.
 Q Don't think, I want to know what you know, can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOWE SECONDDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Secondine.
 Q Where do you live? A Up at White Oak.
 Q That your postoffice? A Yes, sir.
 Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years, since '68.
 Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.
 Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well, I came here a year before they moved down here.
 Q Well, what year was that in? A When I first came here, that was in '67, in August.
 Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
 Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
 Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
 Q How long did you stay there? A Well, we stayed there as much as a week or ten days somewhere along there.
 Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there in Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir. I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeyeake? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeyeake? A I lived six miles above, north.

Q Six miles north of Journeyeake? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersville? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Gooseneck Bend, what they call now.

Q Up close to Verdigris River? A Well, they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A About 10 miles.

Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th day of February.

Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.

Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stepped over until grass came up in the spring of '68.

Q And then built a house? A No, I didn't build any house then, we moved over on Grand River that spring and made a step over there.

Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.

Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this; we didn't move down in '67, I came down here to look at the country.

Q Then what did you do? A I went back to Kansas.

Q How long did you stay? A Well, we stayed a year.

Q It took you a year to look at the country? A No, we stayed about two months here.

Q When, in '67? A Yes, sir, two months on the Verdigris.

Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days on Snow Creek.

Q Well, when did you stop on Snow Creek? A In '67.

Q What time? A In August.

Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.

Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.

Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down ~~in~~ a piece.

Q Then you was coming how long altogether, about two months?

A Two Months.

Q Then you went back to Kansas? A Yes, sir.

Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.

Q What year, '68? A '68.

Q Where did you go? A Came down here.

Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along in the first of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir.

Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at a y time soon? A I came back again before Christmas.

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Coadys Bluff.

Q Up about Snow Creek? A No, below there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation?

A Well I can't exactly tell, it is not very far.

Q Well not ~~just~~ guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, the the last line they made was, I guess it must be about three miles I guess from the line.

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right exactly on the Kansas line? A No, sir.

Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.

Q It has to be up Snow Creek if it was any where? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek? A Yes.

Q Then you were right exactly on the Kansas line, weren't you?

A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.

Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.

Q Well, there was carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.

Q You said you were back in '68; what I am asking you about, you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness put up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can't say that wasn't there in '66 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them there was no settlement there.

Q Did you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well, I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it, I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war?

A My mistress' daughter married Uncle Nels's young master, John Mayo.

Q Who did Uncle Nels belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one; I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagener from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlara? A Yes, sir.
 Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.
 Q Who did she belong to? A Belonged to Lewis Milton, he raised both of us.
 Q Where was Chlara when the war came on? A I don't know where she was.
 Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.
 Q Well, did she just go off on her own accord, or do you know about that? A No, she ran off.
 Mr. Smith: This Chlara Murrell was owned by the same man that owned you, you say? A Yes, sir.
 Q What was his name? A Lewis Milton.
 Q Was he a citizen of the Cherokee Nation? A Yes, sir.
 Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.
 Q And Chlara Murrell had run away from him and you don't know where she was? A Don't know where she was.
 Mr. Davenport: Do you know who she ran off with? A Yes, sir, my woman will tell you that.

 Taking of testimony continued by Stenographer J. O. Rosson.

 Bruce C. Jones, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(Signed) T. B. Needles.

Commissioner.

 Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath stated that the foregoing is a true copy of the testimony on file in this case.

Subscribed and sworn to before me this 30 day of July, 1902.

Jesse O. Carr

W. H. Pinter
 Notary Public

October 19th, 1901.

Taking of testimony in the matter of the enrollment of
NELSON MURRELL, ET AL., C.F.-D. #348, continued. Former portion
taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. Smith, of counsel for Applicants;
Mr. Davenport, of counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Melton.

Q Where do you live? Mrs. Melton? A On the Verdigris.

Q How long have you lived in the Cherokee Nation? A Herein the
Nation all my life.

Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.

Q Do you know his wife? A Yes, sir.

Q How long have you known her? A I knowed her a little while,
I knowed her in slave time, before the war.

Q Well, do you know where she was when the war broke out?

A No, sir, I don't.

Q Did she belong to the same parties that you belonged to?

A No, sir.

Q How far did she live from you before the war; you were slaves
when you first knew her? A Yes, sir.

Q Was she a slave of the same parties you were? A No, sir.

Q How far did she live from you? A 12 miles I think.

Q Well, you say you don't know where she was when the war broke
out? A No, sir.

Q Had she left that country or not? A I don't know where she
went; I guess she went off I reckon, I don't know anything about
where she went.

Q What was your father's name? A His name was Robert Vann was
his name.

Q Where was he when the war broke out, do you know? A No, sir, I
don't.

Q Well, did you ever see him after the war broke out? A I seen
him after he come back from Kansas.

Q About when did you see him? A When did I see him?

Q Yes? A I can't tell exactly when it was.

Q Well, have you seen Nelson's wife after you come back after
the war? A This lady he had got now?

Q Yes. A No, sir, they lived up here.

Q I mean since you have moved up in this country? A Yes, sir.

Q Is she the same woman you knew before the war? A Same woman.

Q And you say you don't know where she was? A No, sir.

Q Was she with her owners that owned her when the war broke out?
(No response.)

Q Was she at their home? A Well, I don't believe she was right
at home.

Q Do you know where she was or what became of her? A I don't
know where she was.

Q Do you know how she come here, what the circumstances of it was?

A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Melton and I live on Caney.

Q Isn't it a fact that your father and she run off and left this
this country before the war broke out?

Mr. Smith: I object to the question, if the Court please,
because it is leading, and the applicant says she does not
know.

Cour't Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went

to and I never visited there.

Q Wasn't it understood by you that she and your father ran off together before the war and left the country?

Mr. Smith: I object to that.

COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.

MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.

MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.

Q You don't know what took place when the war broke out? A No, sir.

Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:

MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.

Q Did he belong to the same man you did? A No, sir.

Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.

Q Did Nelson Marrell's wife belong to the same party that you belonged to before the war? A Yes, sir.

Q Well, where was she when the war broke out? A I told you she was gone.

Q Do you know where Robert Vann was? A He must have been with that woman.

Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.

Q Where did they go? A I don't know where they went.

MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.

Q Did you see him? A Yes, sir, and talked with him.

Q Did you? A Yes, sir, and hoped him get off that night.

Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Benin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.

Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.

Q And you think he had Flora over about Joe Vann's? A I don't know.

Q What did you say about Joe Vann? A I said I was there when he brought her there.

Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.

Q Have you told all you know about this case? A Yes, sir.

Q Have you left anything for your wife to say? A No, sir.

MR. DAVENPORT: Just told the facts? A Yes, sir.

MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.

Q Were you asked the question the first time you were on the stand who did Flora run off with; where you asked that question?

A Yes, sir.

Q The first time you were on the stand? A Yes, sir.

Q Did you say "I don't know, my old woman can tell you?" A I said-

Q Did you say "I don't know?" A No, sir.

Q You didn't say that at all? A No, sir.

PHILLIP R. CASSAR, being duly sworn, by Commissioner Needles testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Phillip R. Cassar.

Q Where do you live, Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.

Q Where were you mustered out? A I was mustered out at Fort Leavenworth.

Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.

Q What part of the Territory did you come first? A First I came to Cherokee Nation.

Q Near what point? A Here on the Verdigris somewhere about the Verdigris, little creek called Snow Creek.

Q How long did you stay in that vicinity there? A I stayed there only one season, one year.

Q What year did you come to the vicinity of Snow Creek, Mr. Caesar? A It was '67, Spring of '67 that I came.

Q Well be it when it may when you came there, who were living on Snow creek? A/ Wasn't anybody.

Q Was there any improvements made by anyone around there?

A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.

Q How far was the improvements that you made from where Snow creek empties into the verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.

Q Short distance away? A Yes, sir.

Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat?

A No, sir, I am not personally acquainted with him.

Q You are a citizen of the Creek Nation, aren't you? A Yes, sir.

Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek/

Q That was before you left there? A Yes, sir.

Q Was there any Indians in that part of the country before you left?

A Yes, sir

Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.

Q You did some work for him before you left there? A Yes, sir.

Q Do you remember his first name? A The young man employed me, at the time, there was Simon, and Sam.

Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.

Q Were you on the north side, what I would call the north side of Snow creek, or south side; I mean by that, ~~where~~ were you in between the river and Snow creek? A Between the river and Snow creek.

MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, ~~it was~~ it was a short distance it was just a flat.

Q Mile or ten miles? A About somewhere, a mile, might be a mile or mile and a half.

Q From the mouth of Snow creek? A Yes, sir.

Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name.

Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chicago it might have been four or five miles,

that I would say that then it would be just according to my judgment.

Q Well, when you left there did you leave for Chetopa? A When I left there?

Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.

Q How far did you live from Snow creek? A I raised one little crop on Snow creek.

Q When did you get there? A Along in the spring, about February or March.

Q Did you have a family? A No, sir.

Q Where did you live? A I lived right in a house with a man by the name of Steve Little.

Q Lived in Little's house? A Yes, sir.

Q About a mile or mile and a half from Snow creek? A Yes, sir.

Q Did you live right on the bank of Snow creek? A No, sir.

Q How far did you live? A Somewhere about a mile from the river.

Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.

Q Now, how long is Snow Creek? A I don't know.

Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the state of Kansas?

A I don't know.

Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.

Q You have been in the state of Kansas? A I have been, but I can't tell how long the creek is.

Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.

Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned?

A No, sir.

Q Timber along there, wasn't it? A Yes, sir, timber on up and down the creek.

Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.

Q You don't know how long those families had been there in that part of country? A No, sir.

Q Where they came from? A No, sir.

Q Don't know anything about it? A No, sir.

Q How long were you in the army? A In the army about two years and two months.

Q Where did you join? A I joined about the 9th of August,

Q What year? A '63.

Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.

Q What time did that let you out? A I got out in September, well, in about I was discharged in September, '65.

Q Where were you when you were discharged? A Fort Leavenworth.

Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.

Q Well, how many years? A Well, from '65 until '67.

Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and went to and fro from one country to the other.

Q When did you first go to the Creek nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.

Q Don't you know when it was you first want to the Creek Nation?
 A No, sir.
 Q How did you get to be a citizen of the Creek Nation? A By
 Act, passage of Council acknowledging my arrival.
 Q When? A I was in the Creek Nation in the limit, the 12 months.
 Q Twelve months from when? A From April the 15th or 16th I
 suppose.
 Q April 16th, what year? A From the passage of the treaty.
 Q When was that? A '67, April, '67.
 Q When you worked for Love where did he live? A Cherokee Nation.
 Q Have a house to live in? A Oh, yes, he had a little, just
 little place started and I worked for him.
 Q Just started; well, was it a house or not? A House I suppose.
 Q Don't you know, don't you know a house when you see it?
 A Yes, sir.
 Q Was it a house or not? A Yes, sir.
 Q Now, what year was that? A That was the year of '68, it seems
 to me it was the year after I left Snow Creek.
 Q How early in '68 and how late? A Now, the days of the year and
 so on, I could not tell; it was about hay making time.
 Q Do you know who built his house? A No, sir the house was there
 when I went there.
 Q Do you know anything about a carpenter before that time that
 lived up on Snow Creek and built Love's house?
 A I don't know.
 Q Wasn't any living up there? A I don't know.
 Q You didn't see him? A I didn't see any, I wasn't acquainted with
 the people.
 Q People lived around there that you didn't know anything about?
 A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made a part of the
 record in the case at bar, and it will also be made a part
 of the record in Cherokee Freedmen doubtful cases #550,
 #552, #758, #923, #788 and #994.

J. O. Reason, being first duly sworn, states that as stenog-
 rapher to the Commission to the Five Civilized Tribes he correctly
 recorded the testimony and proceedings in this case, and that the
 foregoing is a true and complete transcript of his stenographic
 notes thereof.

(Signed) J. O. Reason.

Subscribed and sworn to before me this October 25th, 1901.

(Signed) T. B. Needles.
 Commissioner.

Jesse O. Carr, stenographer to the Commission to the Five
 Civilized Tribes, on oath states that the above and foregoing is a
 true and correct copy of the testimony on file in this case.

Subscribed and sworn to before me this 30th day of July, 1902.

Jesse O. Carr
 Secretary Public.

R.

C. F. D-548.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Nelson Murrell for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

Mellotte & Smith, attorneys for applicant.

W. W. Hastings, attorney for the Cherokee Nation.

CLIFTON T. RUCKER, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A Clifton T. Rucker.

Q What is your post office? A Fort Scott Kansas.

Q What is your age? A Sixty-five.

Q How long have you been a resident of the State of Kansas?

A Forty-five years the 7th day of last October.

Q Where did you live when the war closed?

A I lived just west of Fort Scott.

Q About how far? A About five miles.

Q Live in the country? A Yes sir, on the farm.

Q Were you married at that time? A Yes sir, I was not when I came to Fort Scott.

Q Did you know a colored man up in that country by the name of Nelson Murrell? A Yes sir.

Q Do you know his wife? A Yes sir, I knew his wife.

Q Do you remember her name?

A Don't know as I ever heard, don't recollect.

Q About when did you first learn to know Nelson Murrell?

A In the fall of 1866, September, I think it was.

Q How far was he living from you at that time?

A I guess he was living about a mile or a mile and half. I didn't know at that time, but I learned afterwards, that he lived about a mile east of me.

Q Did he ever do any work for you?

A Yes sir, he worked for me digging potatoes.

Q When was that? A In the fall of 1866, September.

Q See him after that time?

A Yes sir, in the spring of 1867 I saw him, at different times, and during the summer.

Q During the summer of what year? A 1867.

Q When was the last time you saw him up there?

A The last time I recollect was in the spring of 1868

Q He had a wife, but you don't remember her name?

A No, sir, I don't.

Q Did you see him at different intervals along in 1867? A Yes sir

Q Do you know whether he worked for you any in 1867 or not?

A I don't think he did. I had moved to Marmaton, a little town a mile and a half or two miles west, and a little north--

Q In 1866 or 1867? A In 1867.

Q That is when you moved?

A Yes sir, then Nelson moved west and northwest from what we called the Bend, it goes by the name of Hells Bend. He moved up to a place known as Tedd's Place. I was there in 1867.

Q About what age man was he?

A I would take him to be about eight or ten years older than I was.

Q How old are you? A About 65. That would make him 75.

Q Guessing at it? A Yes sir.

Q Do you know where he claimed to have lived before the war?
A I think he told me. I would not be positive. My impression is that he had been in the Nation, and that he was going back to the Nation.

Q Did he say anything to you about coming down?

A Yes sir, he said if I would come down there he thought he could make it interesting. He said I would get some benefit out of it, that I could keep stock there.

Q When was that? A In the spring of 1868, if I remember.

Q Have you ever seen him down here?

A No sir, I have not, not as I know of.

Q What was he doing up there when you saw him, in 1866 and 1867?

A Farming. I could not say what he was doing in 1866, but in 1867 he was farming on this place of Mr. Todd's.

Q Did you know Joe Ross, a colored man?

A Yes, I know him, but could not say that I remembered him until I heard his name called again. I could not say that I remembered positively, but I can describe the man he was at that time.

Q Do you know who his wife was? A Said to be Nelson's daughter. That is what she told me.

Q His own daughter? A That is what she said. She worked for my wife.

Q Do you remember when she worked for your wife?

A In 1867, and in 1868, I think. She done washing for her.

Q You don't remember her name?

A No sir, Only what I have heard. I didn't remember the name but I was told that was his name, that same man that I knew on the place his name was Joe Ross, and his wife was named Sarah. I could not say positively, but that is what I have been told. The name had slipped my memory. She claimed to be a daughter of Nelson Murrell.

Q You knew this fellow up there for the same length of time that you knew Nelson Murrell? A Yes sir.

Q Married into his family? A Yes sir.

Q His wife was Sarah? A Yes sir.

MR. MELLETT: Your name is C. T. Rucker? A Yes sir.

Q How old are you? A Sixty-five past.

Q Have you ever been a witness in this case before? A No sir.

Q When were you first asked as to what you remembered about Nelson Murrell. A I think it was week before last.

Q What were you asked about?

A Asked about some colored fellows, about some other case, and I told him who I knew.

Q How long has it been since you remember of seeing Nelson Murrell, how many years?

A From about 1868, that would make it about 34 years.

Q Did you ever have your attention called to the last time you seen Nelson Murrell up to a few weeks ago?

A Yes sir, often talked about it.

Q What made you remember Nelson Murrell?

A The first thing, he was a good hand to work. I was speaking about digging sweet potatoes, and I had some fine ones that year, and I remembered about him digging sweet potatoes.

Q You told lots of people about Nelson Murrell digging sweet potatoes in 1868? There was no reason why you should remember when you last saw him, was there? A No, nothing particular.

Q He was a colored man? A Yes sir.

Q He worked for you very little? A Very little, but I was him at different times.

Q How much work did he do for you? A Worked several different times.

Q What year? A In 1866.

Q Several times in 1866? A Yes sir.

Q You are certain about that? A Yes sir.

Q What month? A September.

Q You remember back 34 years and remember the month he worked?

A Yes sir.

Q Can you remember everybody you saw during the month of September, 1866? A No sir, I can't remember every fellow.

Q Why can't you?

A My attention was not called to it? & My mind was not on it.

Q Do you recollect every person that you had seen during the month of September, 1866? A No, sir. I can remember Nelson Murrell, because my attention happened to be called to him, being a colored fellow.

Q Just worked for you a few days? A Yes sir.

Q Anybody else work for you in September, 1866? A Yes sir.

Q Who? A My brother-in-law, Bill James, I think that was the only one.

Q Will you swear that you didn't have anybody else working for you that year? A To the best of my knowledge I did not.

Q You ought to remember now. You say Nelson Murrell did work for you? A Well, I heard the fellow's name mentioned, and I remembered.

Q Where did you live in 1866?

A On the farm a little west of Marmaton.

Q Where was Nelson Murrell in 1866? A In Marmaton.

A I am only giving what I was told. In Hell's Bend, west of Fort Scott. That is the name they gave it.

Q You don't know of your own knowledge? A No sir.

Q You don't know whether he was in the Territory or not? A No sir.

Q Now at the time you knew him in 1867, did you watch him all the time? A I didn't watch him.

Q Was he absent during that year? A I couldn't say that.

Q You don't know whether he was absent from that country during the year 1867 or not? A No sir.

Q He might have been absent? A Might.

Q You don't claim that you watched him all the time? A No sir.

Q You didn't work with him in 1867? A I don't think I did.

Q Where did you live in 1867? A Marmaton.

Q Where did he live? A On John Tedd's place.

Q What makes you think that? A I saw his family there.

Q When did you see them there? A In 1867.

Q When? A Along in the spring of that year.

Q What month? A I don't remember the month, it was after the winter was over.

Q It must have been February? A No, later.

Q March? A About April or the first of May.

Q You will swear it was April or the first of May?

A I would not swear positively.

Q You are positive you saw him either the last of April or the first of May? A Yes sir.

Q You remember back 34 years of seeing that colored fellow there himself in April or the first of May, 1867? A Yes sir.

Q You are positive? A Yes sir.

Q Can't be mistaken? A Can't be.

Q You don't know the name of his wife? A No sir.

Q Why can you remember about seeing them there the last of April or the first of May? A I saw Nelson in 1866.

Q I am talking about the family? A Because his daughter washed for my wife.

Q When? A Right along.

Q What week did she wash for your wife during May, 1867?

A In the first week of May, 1867, I think it was. I think she quit shortly after that.

Q She washed the first week in May, 1867, thirty-four years ago, and that she quit shortly after that? A Yes sir.

Q What makes you think that?

A Because my house got burned, and she washed for us right up to that time.

Q When did your house burn? A On the 8th day of May.
 Q She washed for you right up to the time the house got burned?
 A Yes sir.
 Q Washed for you before that? A Yes sir.
 Q Did she wash for you in the mont. of April? A I think she did, my memory is not clear.
 Q Who was it washed for you?
 A Said to be this here Nelson's daughter, and wife of this here, well, I had forgotten his name, he claimed to be Joe Ross. I did not recollect the name of Joe Ross until my attention was called to it.
 Q You have never seen Nelson Murrell since 1867?
 A No sir, not that I know of.
 Q You don't know whether the Nelson Murrell that you claim to know is the Nelson Murrell that has applied here?
 A I don't know that.
 Q You don't know Joe Ross, and don't know whether it is the same man
 A I know him, but it had slipped my memory.
 Q You don't know whether you would know him by sight or not?
 A No sir. I have a pretty good recollection and description of the man.
 Q How many time did you see Nelson Murrell during 1867, up there in Kansas?
 A I could not say. Might have seen him a dozen times, may not more than three or four times. I never paid much attention to it.
 Q Any reason why you should pay any attention to it?
 A Nothing at all.
 Q He didn't work for you in 1867?
 A I think he wanted to do some cutting and sawing wood.
 Q This man, come to the house in 1867? Did he ask you to saw wood?
 A Yes sir
 Q Where was that? A At Marmaton.
 Q Come to your house? A Yes sir.
 Q What day? A I could not tell you that.
 Q What week? A I think it was the first of May--no, sometime along in February.
 Q You said the first of May? When did he come to you and ask to saw wood? A I could not tell you.
 Q You said awhile ago the first of May?
 Q That is the last time I had any work gotten out at that place. I didn't give him any work to do sawing wood.
 Q How far is that from the line of the Cherokee Nation?
 A Just be about sixty miles.
 Q You don't know whether he came to the Cherokee Nation during that time? A I do not.

B. F. FORTNEY, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A B. F. Fortney.
 Q Where do you live?
 A I live eight miles west of Fort Scott, on the farm, in Bourbon County, Kansas.
 Q What is your age? A I am sixty-seven years old, past.
 Q Where were you born? A Virginia, now West Virginia.
 Q Where were you during the war?
 A In Illinois. Part of the time in Warsaw and part of the time in Quincy. Two years in the army, in the regular Quartermaster's service.
 Q When did you go to Kansas? A November, 1867.
 Q What place did you go to? A To the place I now live on, Marmaton.
 Q How far from Marmaton? A Two miles out of it, on the road to the County seat.
 Q Did you know a colored man up there by the name of Nelson Murrell?
 A Yes, sir.

Q When did you first become acquainted with him?
A Met him there in November, 1867.
Q Did he have a family, Nelson Murrell? A Yes sir.
Q Wife? A Yes sir.
Q Do you remember her name? A We called her Aunt Lisa.
Q How long did you know Nelson Murrell there?
A All of one year, and part of another.
Q Did you know him the next year, 1868? A I knew him in 1868.
Q How far did he live from you?
A About eighty rods, or ninety rods, a quarter of a mile we called it.
Q Did he ever do any work for you? A Yes sir.
Q What kind of work? A General farm work, harvesting and helping about the farm.
Q Did you run a reaper in 1868, the next year after you went there?
A Yes sir.
Q Did you do any work for Nelson Murrell? A Yes sir.
Q What? A Cutting his grain, hay, grass, or rather, cutting his grass to make hay. I harvested his wheat for him, and some oats.
Q During that time did you have occasion to see him frequently, he and his family?
A Every day. Just like living across the block from one another. Could see some of the family every day.
Q Ever miss him from there any considerable length of time during that time?
A I don't remember that my attention was called to his absence.
Q Did you ever see Nelson Murrell in the Cherokee Nation? A Yes,
Q Where? A I think some nine miles from Coffeyville out on the Verdigris river.
Q Is that the same Nelson Murrell that you knew in Kansas?
A It was, yes sir.
Q Did you know a colored man by the name of Joe Ross? A Yes sir.
Q Was he married man?
A He was so reported. He lived with a woman he called his wife.
Q Do you know her name?
A Believe it was Sarah, would not state positively.
Q Do you know what relation, if any, she bore to this other family?
A It occurs to me that she was a step-daughter of Nelson Murrell's. I was so informed by the family.
Q Was Joe Ross living up there when you came to Kansas? A Yes sir.
Q How long did he continue to live there?
A Not so long as Murrell.
Q He had gone before Murrell? A Yes sir, I don't know where he went.
Q About how long after you came there before he went away?
A I don't know whether he went in the spring, summer or fall of 1868, but he absented himself anyway, during that year, I think it was during that year 1868. It might have been later, might have been in 1869. I think it was sometime during 1868. I have nothing to call my attention to it, as he did not work for me any that I now remember of.
Q Nelson Murrell did work for you?
A Yes, sir, and I worked for him.
Q This is the same Nelson Murrell that you saw down near Coffeyville in the Cherokee Nation? A The same man.
Q You never was around Marmaton before the fall of 1867.
A Never in a hundred miles. I was in Kansas City, but never in that part of Kansas.
Q You know Mr. C. T. Rucker? A Yes sir.
Q Did you know him in Kansas?
A He was living in Kansas, and I being a single man I boarded with him part of the winter of 1867-68.

MR. MELLITT: How far is it from where you used to know Nelson Murrell, in 1867, to where you saw him in the Cherokee Nation?

A I am not acquainted with it, I don't know how many miles it is from Bourbon County over to Coffeyville. It is probably eight or nine miles through Bourbon County.

Q Is it fifty miles from where you lived there in 1867, in Kansas, to Coffeyville?

A Probably a hundred miles or more.

Q What do you think about? A I don't know very much about it, I would say a hundred miles anyway.

Q Is Coffeyville the nearest point to the Cherokee Line from where you live? A No sir.

Q What is the nearest place? A A straight line projected would be the nearest place.

Q Where would it strike the Cherokee Nation?

A I believe about fifteen miles east of Chetopah.

Q Is Bourbon the second county from the line, the Cherokee Nation line.

A The third county, I believe.

Q How far are those counties across? A I think about 25 miles. Cherokee County is the first, probably a little over 25 miles; then Crawford County, then Bourbon County.

Q You don't know where Nelson Harrell was in 1866? A No sir.

Q Did you watch him very closely after you got acquainted with him?

A No sir.

Q Do you know whether he was absent from that country for any particular length of time or not? A No sir, I do not.

Q He disappeared from there shortly after you went there?

A Yes, sir, he moved away.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-542, D-544, D-549, D-551, D-799, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(Signed) Wm. Hutchinson.

Jesse O. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and correct copy of the original testimony on file in this case.

Subscribed and sworn to before me this 30 day of July, 1902.

Jesse O. Carr
Philip H. Kuster
 Notary Public

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 31 1902



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 29, 1902.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

APPEARANCES:

Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

G. W. LANE, being first duly sworn, testified as follows:

MR. SMITH: State your name? A G. W. Lane.

Q Where do you live, Mr. Lane? A I live at Seminole, Cherokee Nation.

Q How long have you lived there? A I have been living in the vicinity there about since '75.

Q What's your age? A 40.

Q Where were you in '66? A I was in Texas in the spring of '66, and came through with a herd of cattle, starting on June the same year.

Q Well when did you reach the Cherokee Nation? A Reached the Cherokee Nation, that is up here, it was in August, '66.

Q August, '66? A Came through, drove through the Territory here, don't know whether it was the Cherokee Nation or not, but it's been in the Cherokee Nation I have found since, and suppose in the Osage country.

Q About how old were you then? A About fourteen.

Q Do you know old man Nelson Murrell? A Yes, sir.

Q When did you first become acquainted with him? A Well, to be intimately acquainted with him, I saw him, met him, that is late in the fall of '66, when I was on, that is up on the creek there, with a herd of cattle, and I become acquainted with him about four years afterwards I guess it was.

Q Well what creek was that where you saw him? A Snow Creek.

Q In what Nation? A Cherokee Nation, that is it was running where I saw him, Snow Creek runs into Kansas.

Q Well what were the circumstances of your meeting with him or seeing him on Snow Creek in '66? A I was taking care of cattle during the summer when we came up from Texas; we were going through to the Kansas line, and the law provided that we couldn't get into Kansas until November, and we landed about September, but we camped waiting until we could take them into the state of Kansas, and in the mean time we stayed on the Kansas line; we camped along anywhere, anyhow, from September until November or the latter part of October, when we started through to Baxter Springs with the cattle, and I fell out with the men that I was with, and they give me the head of some six-shooters, and I run off and left them, and drifted back down in the Territory, and I didn't live with a soul along till, except the chance that I got acquainted with for a couple of months, and I fell back down where we had some of our cattle down to old man Alberty's, and old man Canady, cattle man, that did his best and kept the boys from killing me, and after I ran away I came back there, and happened to get acquainted with old man Alberty while we was herding up there; I stopped at his house for a few days to see where I would go to, and while I was there this old man Murrell came there in company with some other freedmen; I don't know as I ever see them since; if I did I didn't get acquainted with them, but old man Alberty's while I was there, and I left old man Alberty's, stayed there probably a week, and went to old man Canady, and they were

herding cattle just north of where the Kansas line comes there, and I stayed with him all that winter, herded for him and taken care of cattle, and in the summer of '67 I went across on Turkey Creek and worked, stayed with a white man by the name of Campbell until '68, and I went to Chatopa in the fall of '67, later in the fall of '67, I went to Chatopa, and I stayed in Chatopa from that until '72, and I came back to Snow Creek and got acquainted with this old man Murrell and I have been acquainted ever since.

MR. HASTINGS: You are a colored man, are you? A Yes, sir. Q Where do you live? A I live on the Iron Mountain Road six miles south of Coffeyville.

Q How far is that from Snow Creek? A About two miles west.

Q How far is that from where Nelson Murrell now lives? A About a mile and a half I guess or probably two miles from my farm.

Q Do you know, Nelson Murrell was an applicant before the Kerns-Clifton in 1898, wasn't he? A Yes, sir.

Q You didn't think then to make this statement for him? A No, it wasn't necessary.

Q You hadn't thought; this investigation has been going on for more than a year since the first of April of last year, and you never have told this before, have you? A No, it wasn't necessary.

Q Never have told it? A No, sir.

Q Who was your first wife? A Her name was Florence Vann.

Q What kin was she to Nelson Murrell; Nelson Murrell her stepfather? A Stepfather, yes, sir.

Q And your wife was a step-daughter of Nelson Murrell? A Yes, sir.

Q How long did you see Nelson up there when you first saw him? A I didn't see him—he was there just came like anybody else, stranger, I didn't know no colored person.

Q And just passed on? A Yes, sir, he just came to old man Alberty's and I was acquainted with old man Alberty then; didn't even learn his name at that time.

Q You didn't see him any more until '72? A I know I moved over there and known him since '72.

Q When did you first see him? A Saw him in about '69 I think, I saw him again, when I was over there making hay.

Q Where was he then? A He was at a little station, little Osage trading post that they called Claremore.

Q When did you see him live in the Cherokee Nation? A The first time I ever saw him was at his house, was right where he lives now.

Q When was that? A That was in '69 I think, or '70.

THOMAS SCOTT, being first duly sworn, testified as follows:

MR. SMITH: What's your name? A Thomas Scott.

Q What is your postoffice? A Coffeyville, Kansas.

Q How long have you lived there? A Why I couldn't really tell just exactly how long; we came up in that country the year after the war.

Q Do you know old man Nelson Murrell? A Yes, sir.

Q How long you known him? A I have known him ever since the year after the war.

Q Where did you first meet him? A I don't just exactly recollect where the first time I did see him, but I really got acquainted with him in the Nation.

Q You don't remember the place? A No, sir, I don't just exactly remember the place the first I seen him at all.

Q Do you know what year it was in? A No, sir, I don't remember that years back that far because I am uneducated and I couldn't tell nothing about what year it was, I can't tell you.

Q Where were you during the war yourself? A In Texas.

Q Do you remember when peace was declared? A No, sir, I don't exactly.

Q You knew when the war closed? A Well I can't tell you because I didn't know the years you know.

Q I am not asking you the years, but I am asking you if the fact, if you remember the fact of the time when the war closed, not the date but the fact that it did close? A Yes, sir.

Q Well how long after that was it before you came to the Nation from Texas; that's what I want to know? A Well it was, we stayed there till the next spring, the next spring, and the war closed, and we came away the next spring.

Q Did you come within a year after the war closed? A Yes, sir.

Q How long was it after you got back before you met with Nelson Murrell? A Well just something, along in the fall like.

Q Been knowing him ever since? A Yes, sir.

Q Where has he been living? A Been in the Cherokee Nation.

MR. HASTINGS: How old are you? A Why the best of my knowledge I am 51 years old the 18th of June.

Q Do you know what year you first saw Nelson? A No, sir.

Q You don't know whether it was '96 or '36 or '86? A I have done said I don't know.

Q You don't know one year from another? A I guess I knew one year from another.

Q Well do you know whether it was '86 or '46? A No, sir, I don't said I don't know what year it was.

Q Who owned you? A Old man Jim Hagg.

Q You have been living in Coffeyville ever since? A Why I don't live in Coffeyville now.

Q Well where were you living when you first knew Nelson Murrell? A Living in the state of Kansas.

Q Well what town? A Wasn't any town there; lived on the Verdigris river.

Q How far from the line? A Why they called it two miles, two and a half.

Q Did he have a wife when you first saw him? A No, sir, he didn't have a wife when I first seen him.

Q Didn't? A No, sir.

Q Was he just by himself? A As well as I can recollect he was by himself.

Q Where did you see him? A I couldn't tell you just the place where I did see him.

Q How long did you see him the first time? A Why we would meet one another and talk a little while and pass on.

Q How long before you saw him again, five years? A Why whenever he settled his place, I was renting of it, that was my place, I would go down to see him.

Q You don't know what year that was? A No, sir.

Q You don't know what year the war closed? A No, sir, I don't know.

Q You married? A Yes, sir.

Q Who did you marry? A Married a woman by the name of Alice Greenlee.

Q Who did you come from Texas after the war with? A Come with my uncle, one of old Hagg's sons.

Arthur G. Greeninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Greeninger.
Subscribed and sworn to before me this 11th day of July, 1902.

(Signed) P. C. Reuter
Notary Public.

James S. Carr, stenographer to the Commission to the Five Civilized Tribes, on oath stated that the above and foregoing is a true and correct copy of the original testimony filed in the above entitled matter.

Subscribed and sworn to before me this 20th day of July, 1902.

Philip Renter
Notary Public

RECORDED
JUL 21 1902
U.S. DEPT. OF JUSTICE
COMMERCIAL RECORDS SECTION

17.8.76

Supplies

File with E. D-876.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tuskogee, I. T., April 15, 1902.

In the matter of the application of Nelson Murrell et al.
for enrollment as Cherokee Freedmen.

APPEARANCES:

Applicants represented by Hellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKENS, being first duly sworn, testified as
follows:

MR. HASTINGS: What is your name? A W. H. Nickens.
Q What is your age, Mr. Nickens? A 64.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon
County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson Murrell?
A Yes, sir.
Q When did you learn to know him? A It was about the latter
part, I don't know just exactly what month it was, of '65.
Q Was he living in the country or in town? A He was living
in the country.
Q On whose place, do you remember? A On Isaac Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I
would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his
father-in-law, I believe they called him.

MR. SMITH: I object to anything that was said unless you
know Nelson was his father-in-law.

MR. HASTINGS: Well, you know him anyway? A I knew him.
MR. SMITH: The counsel for the applicant objects as to the
witness's statement as to where Joe Ross lived because he does not
state from his own personal knowledge.

MR. HASTINGS: You do state of your own personal knowledge
that you knew him? A I knew him.

Q And he lived around there somewhere? A He lived, he stepped-

MR. SMITH: I object to that because it is a leading
question.

WITNESS: He stepped there where his father-in-law lived.

MR. HASTINGS: How long did you continue to know Nelson
Murrell, how long did he live on that place, Allen place? A I
think he moved in '66, about the first of the year, it might have
been that it was a little later or a little earlier.

Q First of what time? A '66.

Q Of '66? A It might have been that it was just the latter
part of '65 that he moved; I knew that he lived there right up to the
same place till he moved.

Q And where did he move to? A He moved about four miles and a
half west of me on a farm that was known by John Todd's farm.

Q Did you live between him and town at that time after he had moved? A Yes, sir.

Q Did you ever have occasion to see him after that time? A Yes, sir, I see Nelson after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.

Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.

Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.

Q You might have seen Nelson Murrell later than that? A Why I might have.

Q That's as late as you remember? A Yes, sir.

Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.

Q Do you know where he claimed he was from? A He claimed he was from the Nation.

Q How far was that from the Cherokee Nation? A Which?

Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.

Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.

Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.

Q How about Joe Ross? A I saw him in '67.

Q Which was the older of the two men? A Nelson.

Q Was he a married man or a single man, Nelson? A Married man was what was my understanding.

Q Well, did you know his wife? A No, sir.

Q Don't know what her name was? A Do not.

Q Where have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.

Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.

Q Do you remember when all of them left or when each one left?

A I don't remember just when they left there, there is quite a good many of them that I know.

Q Well, you don't know if it's true that you saw Nelson Murrell in '67 yet don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.

Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.

Q He may have left there sometime during the year of '65?

A Yes, sir, he might have done, but I thin it was the latter part of '65 or perhaps it was the first of '66.

Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I knew where he lived or where he said he lived, I don't know just where he was.

Q You don't know where he lived except from what was said?
A Oh yes, sir, I know where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.
Q Were you ever on the John Todd farm when he lived there? A. Yes, sir.
Q Well, did you see his house? A Yes, sir.
Q See him? A I seed his house.
Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.
Q That was just your understanding; you didn't know it personally?
A Oh I seed them about the place, I knew them well enough when I was passing there, I knew them when I seen them.
Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.
Q Well, who did you see? A I see Nelson there.
Q Who else? A Why I have seen the family.
Q Well, you didn't know his wife? A No, sir.
Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.
Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.
Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.
Q What is your occupation? A Farmer.
Q Live in Kansas? A Yes, sir.
Q Lived there ever since the war closed? A Yes, sir.
Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.
Q Well, did Nelson work for you? A No, sir.
Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.
Q Well, Mr. Nickens, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date; how long had he been gone? A Why, I don't recollect, my recollection is just what I knew about the folks.
Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I knew what time, or about the last time I seed him, I don't pretend to say that he left at that time, but the last time I do say I saw him was in 1867.
Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.
Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.
Q Well, then, if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about those folks, because there were parties of these folks that worked for me.
Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.
Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.

Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.

Q Fort Scott, Kansas? A Yes, sir.

Q Well you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.

Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '68, and I saw him in '67, my recollection is good enough to know when I saw a man at that time why I don't forget it.

Q You didn't have any business transaction with him at all, did you with Nelson Murrell? A No.

Q Now about thirty years afterwards you just remember, dry as, whether he had left there in '68 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.

Q You had nothing to fix that on your memory just except your general-----A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.

Q Well, now, tell me how Ross kept you posted about Nelson Murrell?

A Well, Ross worked for me some, swapped horses with him at one time.

Q Joe Ross? A Yes, sir, Joe Ross.

Q Well, is that all--is that the only time you ever swapped horses up there? A Oh no, no.

Q The else did you ever swap horses with? A I don't know, I used to trade horses considerable.

Q Can't tell all the people you traded with? A Could tell part of them.

Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '68 it was trading part of this country.

Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response).

Q Was there anything new to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything more than just what I have given.

Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.

Q Where were you last October? A Where was I? I was at home, sir.

Q Was that about the time when they were talking to you about this case? A I don't recollect.

Q Well, do you know whether it was earlier or later? A I think it was along in the fall.

Q You don't know whether it was earlier or later than October?

A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.

Q What is your age, Mr. Fortney? A I am nearly 68, 64 past.

Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.

Q That your postoffice? A Yes, sir.

Q Do you live right in town? A Yes, sir.

Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1868.

Q How far from Fort Scott? A Eight miles.
Q What direction? A West.
Q How far was that from either the town or the river at Marmaton?
A Two miles from the bend out there, one mile from the river; the river runs in a northwest direction there.
Q Did you know a man by the name of Todd? A John Todd, yes, sir.
Q Did he own a farm out there? A Yes, sir, several of them.
Q Did you know a colored man by the name of Nelson Murrell?
A Yes, sir.
Q When did you learn to know him? A The year of 1868.
Q How soon after you landed there? A Oh I should say, speaking at random, immediately.
Q Immediately? A He lived a quarter of a mile west from where we moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Ross? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Merrell.
Q How long did you continue to know Nelson after you located there?
A Until the fall of the year '69.
Q Fall of the year '69? A I think that is the time, sir, that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '68 and '69? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Merrell's wife?
Q Yes, sir. A Eliza or Liza we always called her Aunt Liza.
Q Did you know Joe Ross's wife? A Yes, sir.
Q What was her name? A Sarah.
Q They lived there together? A Lived in the same house.
Q Do you know what became of Merrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.
Q Well, did you ever hear of him being seen here afterwards?
A I have heard of him; I never saw him. Moved on to the Verdigris River in south, nearly south, of Coffeyville.
MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.
MR. HASTINGS: You only heard of that? A Only heard about it.
Q Through whom did you hear it? A Through my brother.
Q Did your brother know him up there? A Yes, sir.
MR. SMITH: I move to strike that out, being hearsay.
MR. HASTINGS: It is a circumstance by identification.
Q He lived in about a quarter of a mile you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q He is here with you? A Yes, sir.
Q Did Murrell or his wife ever work for you some? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help, and his wife helped our women with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you weren't in Kansas then prior to April, 1868? A No, sir.
Q And you got acquainted with Nelson Murrell after that time?
A Yes, sir.
Q What is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.

MR. SMITH: Well, this man Marrell that you speak of, you don't know where he was of course in '65? A No, sir.

Q For '66? A No, sir.

Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.

Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.

Q Didn't own any farm there did he? A No, sir.

Q Well, what kind of work was he doing? A Farm work.

Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thrash, and so on.

Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.

Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.

Q Well, what kind of work did his wife do for your family? A Worked by the day, I presume, sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.

Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.

Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.

Q How old was she at that time? A How old was she?

Q About, yes, sir,; was she a young woman, or middle aged or old? A Middle-aged I would say, 40 or 48 years old.

Q Well, then, all you knew about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.

Q Well, how far did they live from you? A About a quarter of a mile.

Q During two years? A We come there on the 6th day of April, 1868, and they were there I think late in the fall of '69.

Q At the same place? A At the same place in the same house sir. Ross, Marrell and their families all residing in the same house.

Q On whose farm? A John Todd's.

Q Well, what were you doing at that time? A I was farming.

Q How long did you continue to farm? A After that?

Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.

Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.

Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Marrell and Ross lived.

Q Was Marrell there all the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.

Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.

Q Well, why do you say he resided there all of the time? A His family was there, that was his home.

Q It was because this woman you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.

Q Was he an old man or a young man? A I would think he was near 50 years old.

Q When? A At that time, 45 to 50, somewhere along there.

Q Have you ever seen him since he left there? A No, sir.

Q You don't know whether it was the same man who applied in this case or not? A Nothing only the name, sir, that is all.

Q

Q Did he always go by the name, the man you knew, by the name of Nelson Marrell? A As far as I knew he did, yes, sir.

Q You never knew him by any other name? A No, sir.

Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.

Q What who told you? A Nelson Marrell.

Q I thought your brother--- A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.

Q Who did he say it to? A Said it to me.

Q When? A Just before he came down into the Territory.

Q Well, who came with him if any one? A Jee Ross, his son-in-law, and family.

Q What about the woman Aunt Liza, did she come? A Yes, sir.

Q Now when did you say that was? A Fall of '69 I think sir.

Q The fall of '69? A Late in the fall of '69 that they came down to this country or to the Territory, I won't say this country.

Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Marrell had grown a crop, grown on John Todd's farm, in '69, and my brother and I helped to harvest it and helped to thresh it, and so on.

Q In '69? A My brother cut the harvest for him; I helped in the field as a harvest hand.

Q When did you first think about the time he had left afterwards, how many years had it been? A I don't know that, sir, I don't know when I first thought about it.

Q Well, you have had some conversation about it since I suppose? A Not until---nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.

Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.

Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.

Q Were you a witness then at that time? A No, sir.

Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that 's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.

Q Well, was the inquiry with regard to Merrell, as you state, or Murrell; you said Merrell as I understood you? A Well, sir, Nelson Murrell.

Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.

Q Well, would you say it was Marrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.

Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.

Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.

Q Well, how would you get Merrell out of M-u-r-r-e-l-l?
(No response.)

Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '69 and 30 would be '99; yes, sir, thirty years, over thirty years since he left there.

Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.

Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date?

A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.

Q Well, did you ever do any other work for any other man who left the country at any particular time? A I don't remember.

Q Well, in what way now were you able to arrive at this particular date thirty years after it happened? A Simply by my own remembrance, that is all.

Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.

Q You don't think you could be mistaken about it? A No, sir, I think not.

Q How was that? A I think not.

Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.

Q That's the best of your recollection at that time? A Yes, sir.

Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?

A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.

Q How many colored people do you suppose left that country since you went there? A I don't know.

Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.

Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them seen them.

Q Then you couldn't tell about the time when the majority of them went away? A No, sir.

Q What time in the year did you arrive there yourself? A 6th day of April, 1868.

Q Who did you bring with you? A Brought my family, and my father and his family.

Q Your wife and your own family and your father and his family?

A Yes, sir.

Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that county ever since.

Q Well, did you ever do any civil engineering after you went there?

A Yes, sir.

Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Prisco it is now, and the Missouri Pacific Railway Company.

Q Commencing about how long after you went to that country?

A I was county engineer elected in 1868, and was county engineer for four years, and deputy engineer for four years more, did the work

Q Well, up to that time had you done anything except farm work?
 A No, sir, very little civil engineering prior to that time.
 Q Did Ross and Murrell live there together? A Yes, sir.
 Q See them start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.
 Q What did they take with them? A Took their families with them.
 Q What else? A What little stock they had I think.
 Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.
 Q Didn't seem to be much of a job for them to move did it?
 A They came in wagons, had two wagons I think.
 Q Had two families? A Had two families.
 Q Took one wagon to move what one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Vashey Fortney.
 Q What is your age, Mrs. Fortney? A 62.
 Q Is Mr. Fortney, who just left the stand, your husband? A Yes, sir.
 Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
 Q Do you live in town? A Yes, sir.
 Q Where were you born? A West Virginia.
 Q Were you living in West Virginia during the late Civil War?
 A Yes, sir.
 Q Were you married before or after the war? A Married just before the war broke out.
 Q When did you come to the State of Kansas? A The spring of '68.
 Q Your husband come with you? A Yes, sir.
 Q Where did you first locate? A Near Marmaton.
 Q In the country? A Yes, sir.
 Q On a farm? A Yes, sir.
 Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
 Q Did you know his wife? A Yes, sir.
 Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
 Q Did you know his wife? A Yes, sir.
 Q About how far did they live from you after you located there?
 A Well, I would say about a quarter of a mile just guessing at it.
 Q How long after you come there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
 Q Were they living there when you moved there? A Yes, sir.
 Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
 Q Of '69? A Yes, sir.
 Q Live there on this same place where you found them? A Yes, sir.
 Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.
 Q That was out in the country was it? A Yes, sir.
 Q Do you know where they were when they left there or where they

said they were going? A Well, I know what they said, they said they were going to the Nation, and further than that---

MR. SMITH: I object to that, I want to know who said that.

MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.

Q Was that while they was making the preparations for their removal? A Yes, sir.

MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.

MR. HASTINGS: These are the same parties.

MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.

MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.

MR. SMITH: That question is objected to.

MR. HASTINGS: You never saw them after that time?

A No, sir.

Q Did the women folks work for you? A Yes, sir.

Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.

Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.

Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.

Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.

Q You don't know what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.

Q Could you see their house from yours? A Yes, sir.

Q Plain sight? A Yes, sir.

Q Across the field was it? A Well, we would have said down the road.

Q You came to Kansas from West Virginia in the spring of '68?

A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.

Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.

Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.

Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well just as I am telling it.

Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.

Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.

Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.

Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.

Q What time in the year did you get there? A The 6th day of this present--in April.

Q You never have seen that man Murrell since that time? A No, sir.

Q Nor Ross? A No, sir.

Q You don't know whether they are the same persons who are applying at this time for admission or not? I don't know, did you say?

A I don't know; well I presume so.

Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Esau Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-550, D-552, D-758, D-923, D-473, D-475, D-544, D-549, D-551, D-799, D-541, D-540, D-543, D-545, D-838, D-547, D-537, and D-621, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-539, Steve Looney, D-519, and Esau Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger.

Subscribed and sworn to before me this 16th day of April, 1902.

P. G. Reuter, Notary Public.

Netta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and correct copy of the original.

Netta Chick

Subscribed and sworn to before me this 22nd day of July, 1902.

(Seal)

Prince C. Jones
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 29, 1902.

In the matter of the application of Nelson Murrell et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mollette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

Q. MR. DAVENPORT: What is your name? A. Simon Scales.
Q. Where do you live, Simon? A. At Fort Scott, Kansas.
Q. Do you know how old you are, Simon? A. I do, sir, about, near
about it.
Q. Well about how old do you think you are? A. Going on 41, on
the 25th of last March.
Q. How long have you been living at Fort Scott, Kansas, Simon?
A. Well, sir, near about thirty-one or two or three years.
Q. About how long? A. Thirty-two or three years, along there.
Q. Well did you go there before or after the close of the war?
A. After the war, sir.
Q. Do you remember that distinctly; you don't know what year, but
after the war closed? A. Yes, sir.
Q. Well after you went to Fort Scott, Kansas, did you get acquainted
with a colored fellow by the name of Murrell? A. I got slightly
acquainted with him.
Q. Did you ever know what his first name was? A. I did remember.
Q. You don't know what his name was? A. I forget what his first
name was; I got acquainted with him slightly, just passing by him
coming in.
Q. Did you know where he lived? A. No, sir, I never did know
where he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

Q. MR. DAVENPORT: What is your name? A. John Kilburn.
Q. What is your age? A. I will be 56 the 20th of October coming.
Q. What is your present office? A. Marmiton, Kansas.
Q. How long have you lived near Marmiton, Kansas? A. Since '65,
since August, '65.
Q. You went there after the close of the war, did you? A. Yes,
sir.
Q. Since you went to Kansas did you get acquainted with a colored
family by the name of Murrell? A. Yes, sir.
Q. Do you know what the first name of the man was? A. I think
his first name slipped my mind. Nelson Murrell, Nelson Murrell I
think was his name.
Q. Where was he living when you got acquainted with him?
A. On John Todd's place.
Q. There is that from Fort Scott or Marmiton, Kansas, now, how far?
A. Well it's a mile and a half west of Marmiton, and about eight
miles of Fort Scott.
Q. You say he was living on John Todd's place? A. Yes, sir.

Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.

Q Well, that 's what I mean; was he keeping house? A Yes, sir.

Q And lived on John Todd's place? A Yes, sir.

Q What were the circumstances of your getting acquainted with him that you remember him well? A Why I went there to break prairie for John Todd.

Q They had a man on this place; he was living there? A Yes, sir.

Q Well? A That was the most convenient place I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.

Q Boarded with them, they cooked for you? A Yes, sir.

Q Now when was that, Mr. Kilburn? A Well, I guess that was in '68, it might have been '69.

Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.

MR. MCELLETTE: You simply stopped there with him while you was breaking prairie there? A Yes, sir.

Q Didn't know him very long then, did you? A No, sir.

Q Didn't know where he had been before that, do you? A No, sir.

Q Don't know where he went after that? A I don't.

Q Are you certain it was in the year '68? A Well, that or '69.

Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.

Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.

Q How long ago? A I guess it's six weeks ago, might have been over that.

Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie? A Yes, sir.

Q You have got a pretty good memory, haven't you? A Why I don't know that I have.

Q Who talked to you about this case first; that gentleman, do you know? A Yes, sir.

Q What's he got to do with this business? A Couldn't tell you.

Q What's his name? A Rucker. C. T. Rucker.

Q Where does he live? A Fort Scott.

Q Is he getting up evidence for the Cherokee Nation up there? A I ain't positive about that.

Q He was around inquiring of you what you knew, was he? A Yes, sir.

Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.

Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.

Q Is he the witness that testified in the Pomp Brown--Lewis T. Brown case a while ago? A I think he did.

Q And he came to you inquiring what you knew about the Nelson Murrell case? A Yes, sir.

Q That he was getting up testimony up there, isn't he? A Well I just unferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No, sir.

Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a

man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with a team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.

Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes, sir.

Q You didn't even remember his first name when you was first asked the question? A I didn't.

Q Have you ever seen him since you saw him there? A I don't remember that I have.

Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.

Q Never have seen him? A No, sir.

Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.

Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.

Q You don't know where Nelson Murrell was in '66, do you?

A I do not.

Q '67? A I don't; let me see; No, I don't know where he was in '67.

Q And you don't know where he was except the time you speak of?

A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Ricker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.

Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.

Q You was then subpoenaed, was you not? A Yes, sir.

Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants? A I never heard of any organization.

Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-621.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter, Notary Public.

Hetta Chick, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and correct copy of the original.

Hetta Chick

Subscribed and sworn to before me this 22nd day of July, 1903.

(Seal)

Bruce C. Jones
Notary Public.

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Notes

Notes

Notes

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 16, 1902.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Mellette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. W. Hastings.

STEPHEN LITTLE, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A Stephen Little.
- Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
- Q Well give me your postoffice? A Lenepah.
- Q What is your age? A Going on 77.
- Q Do you know Flora Murrell? A I do.
- Q Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
- Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
- Q Well what was his first name? A Well I forget his first name.
- Q Well do you know it was Lowen? A Lowen Vann.
- Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
- Q On Snow Creek? A Yes, sir.
- Q After the war? A After the war, yes, sir.
- Q How long had you been living there after the war when they moved into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
- Q You knew you had been there five years? A I know I had been there five years.
- Q Did they have any children? A I think they had five or six.
- Q Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
- Q Did you know Lowen Vann well? A Knew him well?
- Q Yes. A Oh, yes, sir, knew him well as I knew anybody.
- Q Did you ever talk to him about where he had been? Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some, together.
- Q You and he talked the Mexican language together? A Yes, sir, Mexican language.
- Q Said he had been to Mexico? A Yes, sir.
- Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
- Q Well he talked the Mexican language did he? A Yes, sir, good.
- Q He was the husband of Flora Murrell? A At that time, yes, sir.
- Q The father of Charley Vann? A Yes, sir, I suppose so.
- Q You didn't know him before the war? A No, sir.
- Q He talked the Mexican language did he? A Yes, sir.
- Q You talked it? A He talked it and I talked it.

MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.

Q How was that? A When I lived up on Snow Creek there.

Q I say when was that? A Well it was sometime in sixty - I think that must have been sometime in '70, along there.

Q Well, why do you think it was in '70? A Because the time I moved there--

Q Well, is there anything special that makes you think it was in '70? A Yes, sir, something special.

Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years, and that time they was bearing apples.

Q And had they just begun bearing apples? A Just begun to bear apples.

Q When you was talking with him? A Yes, sir.

Q You put them out when you first went there, did you? A The first year after I went there.

Q You went there in '60? A Yes, sir.

Q You put out your apple trees in '61? A '66 I went there.

Q You went in '66, so the Cherokees says, I went there in '66, that's the reason I am here today.

Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.

Q Your neighbors knew that? A Yes, sir.

Q What month did you go there in? A We?

Q Yes, you? A In April.

Q April, 1866? A Yes, sir.

Q Where did you go from? A I went from Leavenworth, Kansas.

Q When did you go to Mexico? A Never have been there.

Q How did you learn the Mexican language? A My boss has always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.

Q You learned it without going to Mexico? A Yes, sir.

Q This other fellow that you testify about talked with you, Mexican? A Yes, sir, that Lowen did.

Q Didn't you say a while ago in your cross-examination that you went there in '60? A Went where?

Q Where you live? A '66.

Q How old was those apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.

Q Two years old when you put them out? A I expect so.

Q And they was just beginning to bear? A Bearing when he come there.

Q When you first got acquainted with him? A Yes, sir.

Q How long had he lived there in that community before you met him?

A Before I met him, why he didn't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.

Q He hadn't been there long before you met him? A No, sir.

Q How long was it before you found out that he could talk Mexican?

A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.

Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?

Q Well you learned it without going there didn't you? A Yes, sir.

Q Do you know anybody else that did? A Yes, sir, hundreds.

Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man had all black folks could speak Mexican.

Q The fact that a man could talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.

MR. NASTINGS: You heard him say that he had been to Mexico and you learned Mexicans up there around " A Up there about Independence, Missouri.

Q Up there where they talked Mexican? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-560, D-562, D-756, D-923, D-473, D-475, and D-548, the case at Bar.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger,

Subscribed and sworn to before me this 20th day of May, 1902.

P. C. Ruten, Notary Public.

Netta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and correct copy of the original.

Netta Chick

Subscribed and sworn to before me this 22nd day of July, 1902.

(Seal)

Bruce C. Jones
Notary Public.

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N. D-676.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 26, 1902.

In the matter of the application of John Carter for the
enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-676.

Applicant represented by Mallette & Smith.
Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorneys, Mallette & Smith, Vinita, Indian Territory, that it would, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said John Carter to enrollment as a Cherokee Freedman. The applicant and his attorneys have this day been called and fail to respond.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of Nelson Murrell, Freedman Doubtful 548, be introduced and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 7th day of July, 1902.

Seal

[Signature]
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette G. Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitacre, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John Carter, D 896;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

~~In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.~~

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 876.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Carter for enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 26, 1901, John Carter appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee Freedman. Copies of the testimony taken at various times in the case of Nelson Murrell, et al., are made a part of the record herein.

The evidence shows that the applicant was the slave of a Cherokee citizen at the commencement of the Rebellion; that he was taken out of the Cherokee Nation during the Rebellion and upon his return to said Nation, found Nelson Murrell and Esau Fox residing there. The Commission found in the cases of Nelson Murrell, et al., Cherokee Freedmen E 548, and Esau Fox, et al., Cherokee Freedmen D 508, that they did not return to the Cherokee Nation and establish a residence therein until after the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said nation. It is therefore considered that the said John Carter did not return to and establish a residence in said Nation until after the time specified in said decree.

It is, therefore, the opinion of this Commission that the application for the enrollment of John Carter as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

NO. *FD 876*

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT, }

I do solemnly swear that I delivered a true copy
of the within notice to

on the day of A. D. 190

MAY 26 1907

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice
on this the *24* day of 190

Attorney for Applicant.

I the undersigned agent for the within named
applicant, hereby accept service of the within notice
on this the day of 190

Agent for Applicant.

NOTICE.

In the Matter of the application of John Carter.

for enrollment as Cherokee citizens:

To John Carter, of Mellette & Smith his attorneys,

Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 26, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 25, 1902

No. 876.

L. B. Bell
W. M. Hastings
Jas. Davenport

Attorneys for the Cherokee Nation.

MAR

2000 000000

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Carter,
Cottleville, Kans.,
Cherokee-P-D-176.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

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8876

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 26 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 26, 1901
 Post Office Coffeyville, Kas.
 District Gov
 1. Name John Gaster Age 43
 Owner's name Allen Ross Citizenship Cherokee
 Year K6 Page 150 No. 3708 District Gov
 Parents:
 Father Mose Gaster - dead Citizenship
 Mother Sallie Ross - dead Citizenship
 2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____
 Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____
 Names of Children _____

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

 Application made by Ms. 1 Stenographer B. C. Jones

On Wallace Page 106 #2270 - dl

Represented by Mullett and Smith

CHIEF
Cherokee Freedmen
D 276

Muskogee, Indian Territory, March 24, 1904.

John Carter,
Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. D. Needles.

Encl. V-16
Registered.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D 876

Muskogee, Indian Territory, March 24, 1904.

Edgar Smith,
Attorney for John Carter,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of John Carter for the enrollment of himself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. D. Woodlee.

Encl. V-17
Registered.

Commissioner in Charge.

COPY.

Cherokee Freedman
D 878

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of John Carter for the enrollment of himself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

E. J. Walker

Encl. V-18

Commissioner in Charge.

COPY

Cherokee Freedmen
D 876

Muskegee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John Carter for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

L. J. ...

Encl. V-19

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply to
the following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.

WASHINGTON. August 16, 1904.

20529-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the application for enrollment as a Cherokee freedman of John Carter.

March 5, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Nation during the war, and did not return on or before February 11, 1867.

The applicant's name is found on the Kern-Clifton roll and the Wallace roll but is not upon the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W A Jones

Commissioner.

M.M.M.

W.

(C O P Y)

Y. P.

DEPARTMENT OF THE INTERIOR,

FHB

D C 39948-1904

WASHINGTON. October 15, 1904.

I. T. D. 6548-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application for the enrollment of John Carter as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter August 16, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed. See departmental letter of August 31, 1904, affirming your decision in the case of Esau Fox and Nelson Murrell, et al.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedman
D-876

Muskogee, Indian Territory, October 28, 1904.

John Carter,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

James Dixby.

Chairman

COPY

Cherokee Freedman
D-876

Muskogee, Indian Territory, October 28, 1904.

Edgar Smith,

Attorney for John Carter,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of John Carter as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

James Dixby
Chairman.

W. COPY.

Cherokee Freedmen
D-276

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of John Carter as a Cherokee Freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

W. G. N. *James Dixby.*
Chairman.

Cher. Fr. R 773

Cher. Fr. R. 773

Trans. from Cher F.D 877

4287

Department of the Interior,
Commission to the Five Civilized Tribes,
Wenatche, I. T. June 29th 1901.

In the matter of the application of Victoria Carter for enrollment as a Cherokee freedman; she being sworn by Commissioner T. B. W. Needles, testified as follows:-

W. W. Hastings, Cherokee representative;

Lewis T. Brown, agent for applicant-

By Com'r Needles-

Q What is your name? A. Victoria Carter

Q What is your age? A. 45.

Q What is your post office address? A. Welch.

Q In what district do you live? A. Cowpens.

Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.

Q Have you ever applied to be enrolled as a freedman of any other tribe or nation? A. No sir.

Q Who do you desire to have enrolled besides yourself? A. Just myself

Exhibit

By L. T. Brown-

Q Were you a slave of a Cherokee citizen at the commencement of the civil war? A. Yes sir.

Q Who did you belong to? A. Lizzie Thompson.

Q Was she a Cherokee Indian? A. Yes sir.

Q Did you leave the Cherokee Nation during the war? A. No sir.

Q Where were you in 1865? A. Fort Gibson, in the quarters.

Q Where have you lived ever since? A. I staid there about three or four years and then went from there to Fort Sill and from there to Fort Leavenworth and staid there a while and came with the family of John Miller to the Quapaw Nation and worked on a cattle rancho until 1880 when I married.

Q Since your marriage in 1880 where have you lived? A. One year in the Miami Nation we were on the Lewis Miller farm and next year we went out and camped out and he worked with cattle on a rancho on the Neosho river for Fowler & Hunt.

Q Where have you lived since that? A. In Nebraska, where he worked on the Weeping Willow Rancho.

Q State of Nebraska? A. Yes sir.

Q He tended cattle there did he? A. Yes sir.

Q Where did you go then? A. We came to where we are now, and made a place.

Q What year was it that you made your place? A. I can't exactly tell.

Q How long ago was it? A. Something like 16 years ago.

Q Do you own any improvements now on the Public domain of the Cherokee Nation? A. Yes sir.

By the Commission;

Q What is your husband's name? A. W. H. Carter.

Q Is he a non-citizen? A. Yes sir.

Q Where did you marry him? A. In the Quapaw Nation

By Hastings-

Q How old are you? A. About 45.

By Commission-

Is your name on the roll of 1888? A. No sir.

Q Did you draw Cherokee strip money, Kern Clifton money? A. No sir.

Q Are you on any of the rolls? A. The Wallace roll.

Applicant not found on the 1888, 1896 or Kern Clifton rolls.

Wallace roll examined and the applicant found as follows—
Page 182 No. 5545, Victoria Carter, Delaware district.

By Hastings—

Q Where did you apply to the Kern Clifton Commission? A. I didn't apply, never got in.

Q Are you the person who owns a place 2 miles east of Welch? A. Yes sir.

Q Where did your Mistress Lizzie Thompson live before the war? A. In Illinois district on the Bayou.

Q How far from Fort Gibson? A. I guess 4 or 5 miles, I don't know exactly.

Q Did she have a ~~husband~~ husband? A. Yes sir.

Q What was his name? A. Nick Thompson.

Q Did they have any children? A. Yes sir.

Q Do you remember their names? A. No sir, I was too young to know.

Q You say you were at the quarters in Fort Gibson during the war?

A. Yes sir the soldiers took us there.

Q Was there any particular thing that makes you remember that you were there during the war? A. The soldiers.

Q How long did you stay there after the war? A. 3 or 4 years.

Q While you were there with whom did you live? A. I lived with an old lady named Jane.

Q Jane what? A. I never know any name but Jane.

Q Did she have a husband? A. No sir.

Q No family at all? A. No sir, if she did I wasn't acquainted with them.

Q You went to Fort Sill from there? A. Yes sir.

Q Had they had the small pox at Fort Gibson when you were there?

A. I don't remember about that.

Q How long did you stay at Fort Sill? A. About 3 years.

Q What did you do there? A. I didn't do much of anything, just worked in the quarters there.

Q Waiting on the officers? A. Yes sir.

Q You didn't occupy any official position did you? A. No sir.

Q Where did you go then? A. Fort Leavenworth.

Q What did you do there? A. Did about the same thing, working around the quarters.

Q Did you hold any official position there? A. No sir not until I got old enough to nurse babies.

Q How long did you stay there? A. I nursed around there for about a year and then came back with some people to the Quapaw Nation.

Q You came there in 1888? A. No sir a little before that and got acquainted with this man some time before I married him and married him there in 1888.

Q You worked there a year or two and then went to Nebraska? A. Yes sir.

Q And you then came to the Cherokee Nation about 18 years ago? A. Yes sir.

Q Did you come to Welch then? A. No sir down there in the bottom.

Q What bottom? A. Neosho river.

Q Near what town? A. There was no town there.

- Q What settlement? A. Near where Missa is now.
 Q In the Missa Nation? A. No sir on this side of the river.
 Q How far from Fairland? A. I dont know exactly, it was there at that crossing that crosses where the town of Missa stands now.
 Q On which side of the river? A. This side.
 Q And that was 18 years ago? A. Yes sir.
 Q Is that the first time that you were in the Cherokee Nation since you went to Fort Sill? A. No sir, we have been back through but never staid any.
 Q When did you first see Al Lynch? A. When I was ten years old in Fort Gibson.
 Q Do you know the years that was? A. It was in—I dont know.
 Q Was he living there then? A. I dont know that either.
 Q Was yey at his house? A. No sir.
 Q Where did you first see Columbus McNair? A. At the Quarters at Gibson.
 Q When? A. I dont know the year.
 Q Was he living there then? A. I dont know.
 Q Were you at his house? A. No sir.
 Q Where did you see L. D. Daniels first? A. He came there issuing ~~ammunition~~ rations.
 Q You never saw either of these fellows before the war? A. No sir I wasn't old enough.

By Commissioner Needles;

- Q Where were you born? A. In Illinois district on the Bayou
 Q In the Cherokee Nation? A. Yes sir.

Columbus McNair, called and sworn as a witness for the applicant—

By L. T. Brown—

- Q What is your name? A. Columbus McNair.
 Q What is your age and residence? A. I am 31 years of age.
 Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir
 Q Are you on the 1880 authenticated roll? A. Yes sir.
 Q Do you know the applicant here, Victoria Carter? A. Yes sir I have saw her.
 Q Did you know her Parents? A. No sir.
 Q When did you first see her? A. I have to study now when was the first time that I seed her—I cant study it out—it has bee a good long while, I cant tell just when it was that I first saw her.
 Q Have you no idea when it was? A. 10 or 15 years ago.
 Q Where was she living then? A. On Russell creek.

Allen Lynch called and sworn as a witness for the applicant—

By L. T. Brown—

- Q What is your name? A. Allen Lynch.
 Q What is your age and residence? A. I am 31 and live at Vinita.
 Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir
 Q Is your name on the authenticated roll of 1880? A. Yes sir.
 Q Do you know the applicant here, Victoria Carter? A. I seen here yet sir.
 Q State in your own way, when and where it was that you saw her first? A. The first time I ever saw her was in '84 when we came

from Fort Smith, and she tells me she was one of them that was along.

Q Well is she one of them that was along? A. She looks like the same girl, that is as near as I can tell about it.

Q When did you next see her? A. Never saw her until. I saw her at Welch last spring a year ago.

Q When you brought her to Fort Gibson a prisoner in '94, how long did you see her there? A. I never ~~seen~~ staid there but a month.

Q You didn't know her mother? A. No sir.

By Hastings-

Q She just told you she was one of that crowd? A. Yes sir.

L. D. Daniels called and sworn as a witness for the applicant-

By Brown-

Q What is your name? A. L. D. Daniels, age 36, post office Claremore

Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir

Q Is your name on the authenticated roll of 1880? A. Yes sir.

Q Do you know the applicant Victoria Carter? A. I got acquainted with her here.


Q Did you ever know her prior to this time? A. No sir

By Gen'l Needles,- Victoria Carter applies for herself; she is not identified on the authenticated roll of 1880, the census roll of 1896 or the Koon Gifton pay roll, but she is identified on the Wallace roll; she avers that she was the slave of a Cherokee citizen, that she was born and raised in the Cherokee Nation, remembers being in Fort Gibson in 1888, and after that she went to Fort Hill and then to Fort Leavenworth, and avers that she was married in the Quapaw Agency in 1889 to one W. H. Carter a non-citizen, and that after her marriage she went to the state of Nebraska and returned to the Cherokee Nation some 16 or 18 years ago; she will be listed for enrollment as a Cherokee freedman on a doubtful card and when the final decision is arrived at she will be notified by mail.

+++++

Chas. von Weine, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 10th of July, 1901.


Commissioner.

RECEIVED
DEC 11 1904
U.S. DEPT. OF AGRICULTURE

Cherokee freedman D-877 .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application
for the enrollment of Victoria Carter as a Cherokee freedman.

On October 21, 1904, the applicant was notified by registered letter, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by mail, that the application for the enrollment of Victoria Carter as a Cherokee Freedman would be taken up by the commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 21st day of November, 1904, at which time an opportunity would be given the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application at which time said case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 21st day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called, failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o:-o-o-o-o-o-o-

H. N. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. N. Vance

Subscribed and sworn to before me this 14 day of December, 1904.

Charles N. Harrison
Notary Public.

Cherokee Freedmen D 877

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

A.A.M.
J.H.

In the matter of the application for the enrollment
of Victoria Carter as a Cherokee Freedman.

DECISION.

The record herein shows that on June 26, 1901, Victoria Carter appeared before this Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee freedman.

The evidence in this case shows that ample opportunity has been afforded the applicant, Victoria Carter to appear before this Commission and establish the facts necessary to entitle her to enrollment as a freedman citizen of the Cherokee Nation, but that she has failed to do so, and that, with the exception that her name appears upon the Wallace roll, she can not be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the rulings of the department in the cases of Eliza Bryant, et al., (I.T.D. 3642-04), Ed Williams, (I.T.D. 4230-04) William Hector, (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04) and Martha Albert, et al., (I.T.D. 4732-04), the application for the enrollment of Victoria Carter as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman


Commissioner


Commissioner

Dated at Muskogee, Indian Territory,

this

MAY 1 1905

to

70877

COMMISSIONERS.

HENRY L. DAWES,
TAMM DIXON,
THOMAS B. FIDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee I. T. 1/22/02

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of

Victoria Carter for enrollment as
citizens of the Cherokee Nation.

No.

7. D. 877

Louis T. Brown
agt for applicant

(C O P Y)

Cherokee Freedmen
D-877

Muskogee, Indian Territory, September 12/ 1903

Victoria Carter,

Welch, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required upon the following points:

Evidence as to whether you ever removed out of the Cherokee Nation with your effects; what property, if any, you retained in the Nation during your absence therefrom, and the date when it was acquired; also evidence tending to show whether or not you returned to and resided in the Cherokee Nation on July 19, 1866, or within six months thereafter, and if so at what point you resided.

You are further advised that the Commission will be in Vinita, Indian Territory, on Friday, September 25, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Department on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

(C O P Y)

Cherokee Freedmen
D-877

Muskogee, Indian Territory, September 25, 1903

Louis T. Brown,
Agent for Victoria Carter,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Victoria Carter as a Cherokee freedman, you are hereby advised that further testimony is required upon the following points:

Evidence as to whether she ever removed out of the Cherokee Nation with her effects; what property, if any, she retained in the Nation during her absence therefrom, and the date when it was acquired; also evidence tending to show whether or not she returned to and resided in the Cherokee Nation on July 19, 1866, or within six months thereafter, and, if so, at what point she resided.

You are further advised that the commission will be at Vinita, Indian Territory, on Friday, September 25, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

(C O P Y)

Cherokee Freedmen
D-877

Muskogee, Indian Territory, October 21, 1904

Louis T. Brown,

Agent for Victoria Carter,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Victoria Carter as a Cherokee freedman, you are advised that further testimony is required upon the following points:

Evidence as to whether she ever removed out of the Cherokee Nation with her effects, what property, if any, she retained in the nation during her absence therefrom, and the date when it was acquired. Also testimony tending to show whether or not she returned to and was residing in the Cherokee Nation on July 19, 1866, and if so at what point she resided.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A.M., on Monday, November 21, 1904, and introduce evidence touching the points above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(Signed) Tamm Fitzby
Chairman

Register

(C O R R)

Cherokee Freedmen
D. 472

Muskogee, Indian Territory, October 21, 1904.

Victoria Carter,

Welch, Indian Territory.

Dear Madam:

In the matter of your enrollment as a Cherokee freedman, you are advised that further testimony is required upon the following points.

Evidence as to whether or not you ever removed out of the Cherokee Nation with your effects; what property, if any, you retained in the nation during your absence therefrom, and the date when it was acquired. Also evidence tending to show whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months from August 11, 1866, and if so at what point you resided.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Monday, November 21, 1904, and introduce testimony touching the points above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register

(Signed)

Tam Dixby
Chairman

(C O P Y)

Refer in reply
to the following:
Land
37639-1905

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Victoria Carter.

May 13, 1905, the Commission decided adversely to the applicant.

The record shows that although the applicant has been afforded ample time and opportunity to establish her title to enrollment she has failed to do so. She is not identified on any roll of the Cherokee nation except the Wallace roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M
W.

COPY.

Cherokee Freedman
D-877.

Muskogee, Indian Territory, May 13, 1908.

Victoria Carter,

Wahoh, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Dixby.
Chairman.

Incl. L-83.

Register.

COPY.

Cherokee Freedman
D-877.

Muskogee, Indian Territory, May 13, 1905.

Louis T. Brown,

Attorney for Victoria Carter,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Victoria Carter as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

WED. *Tamc Bixby.*

Chairman.

Incl. L-54.

Register.

COPY.

Cherokee Freedman
D-877.

Muskogee, Indian Territory, May 13, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of Victoria Carter as a Cherokee freedman.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. L-85.

(ED).

Tams Brubay

Chairman.

COPY.

Cherokee Freedman
D-877.

Muskogee, Indian Territory, May 13, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Victoria Carter as a Cherokee freedman, including the Commission's decision, dated May 13, 1906, rejecting said application.

Respectfully,

Incl. L-56.

(SIGNED) *Tams Bixby.*
Chairman.

D. C. 38472-1905
I.T.D. 6068-1905
L R S

(C O P Y)

Y.P.

FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 7, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Victoria Carter as a Cherokee freedman, including its decision of the same date, rejecting said application.

Reporting May 23, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

Cherokee Freedmen

D-877.

Muskogee, Indian Territory, August 18, 1905.

Victoria Carter,

Welch, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 7, 1905.

Respectfully,

LS

Acting Commissioner

Cherokee Freedmen

D-877.

Muskogee, Indian Territory, August 18, 1905.

Louis T. Brown,

Attorney for Victoria Carter,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Victoria Carter as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner

Incl. S-70

Cherokee Freedmen

D-877.

Muskogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Victoria Carter as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Incl. 3-71

Acting Commissioner

10874

MAN

MAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wm. H. Hester, Clerk,

Washington, D. C.

June 1, 1902.

Wm. H. Hester,

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

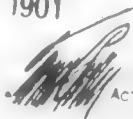
Commissioners.

①

515877

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 26 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

JUN 26, 1901

Post Office

W. L. S. T.

District

Gov

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Victoria Carter

Age

45

Owner's name

Lizzie Thompson

Citizenship

Cherokee

Year

Wallace

Age

42

No.

3543

District

Del.

Parents:

Father

Citizenship

Mother

Lizzie Thompson

Citizenship

Names of Children:

3.

~~Emma D. Carter~~

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

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Dist.

10.

Year

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No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

No. 1

Stenographer

Chas. von Weise

Represented by Louis T. Brown

Cher. Fr. R 174

Cher. Fr. R 174

Trans. from Cher Fr D 902

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 27th 1901.

Mallette & Smith for applicants

W. W. Hastings for the Cherokee Nation;

In the matter of the application of Phyllis Hayes for enrollment as a Cherokee freedman; she being sworn by Commissioner T. B. Needles, testified as follows:-

- Q What is your name? A. Phyllis Hayes.
Q What is your post office? A. Coffeyville
Q What is your age? A. 50.
Q What district do you live in? A. Cooweescoowee.
Q Who do you want to have enrolled besides yourself? A. No one.
Q Are you married? A. No sir.
Q Were you ever married? A. Yes sir, I lived with a man.
Q What was his name? A. Orag Lynch.
Q What is your fathers name? A. Peter Rogers.
Q What was your mothers name? A. Sophie.
Q Are you married to a man named Hayes? A. I married a man named John Baldrige and went by the name of Hayes when I married him.

Applicant not found on the 1880 or 1896 rolls.

Kern Clifton roll examined and applicant found as follows-
Page 173 No. 4243 Phillis Hayes, Cooweescoowee District.

By Smith-

- Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Lewis Rogers, and after his death to his widow Ellen.
Q Who did you belong to at the time of the war? A. Ellen Rogers.
Q Was she a Cherokee Indian? A. Half Osage, her husband was a Cherokee.
Q Was he a recognized Cherokee citizen? A. Yes sir.
Q Where did he live? A. On Sasawaw in the Cherokee Nation.
Q Were you there when the war commenced? A. Yes sir.
Q Where did you go during the war? A. To the mountains.
Q Where was that? A. To the hills above the house somewhere.
Q Did you remain in the Cherokee Nation during the war? A. They took me to Neutral land on the Neosho
Q Was the Neosho a town or a river? A. Town.
Q When did you first come back after the war? A. When they moved the refugees back.
Q Where did you come to then? A. Fort Gibson.
Q Cherokee Nation? A. Yes sir.
Q How long did you stay there? A. A good while.
Q Well how long? A. May have been 2 years.
Q Where did you go then? A. On Brushy.
Q In the Cherokee Nation? A. Yes sir.
Q How long did you stay there? A. Quite a while.
Q Where have you been since that time? A. In the Cherokee Nation.
Q Where do you live now? A. Timber hill
Q How long have you lived there? A. 2 or 3 years.
Q Is that in the Cherokee Nation? A. Yes sir
Q What is your fathers name? A. Peter Rogers.
Q What is your mothers name? A. Sophie.

Seen and signed

Have you any grown children? A. Yes sir.

Q What are their names? A. See Rogers.

Q Who else? A. Lewis Brady, Frank Brady, Bettie Lynch.

Q Is Bettie married? A. Yes sir, to Cal Gash.

Q Have you been married more than once? A. Yes sir three times.

Q Who was your first husband? A. Wras Lynch.

Q When were you married to him? A. Never married him, just lived with him.

Q Before the war? A. Yes sir in slavery times.

Q Who was the next one you lived with? A. I lived with my boss man.

By the Commission:

Q You were not married to him were you? A. No sir.

By Smith--

Q Who were you married to next? A. Mr. Brady.

Q You married him? A. Yes sir.

Q When? A. Time of the war.

Q How long did you live with him? A. 5 or 6 years as man and wife.

Q He was the father of Frank and Lewis? A. Yes sir.

Q Who was the father of the girl you named? A. Wras Lynch.

Q Who was the father of the other boy? A. My boss.

Q Where are those children living? A. With me on Timber Hill.

Q In the Cherokee Nation? A. Yes sir.

By Hastings--

Q Where are these boys now? A. With me.

Q Was Lewis born before the war? A. After the war.

Q Where was he born? A. On Brasheoy Mountain this side on Fort Gibson.

Q How far from Cheateau? A. I don't know.

Q How old is Lewis? A. I don't know.

Q Where was Frank born? A. On Brasheoy.

Q Who were you living with then? A. Brady.

Q Where did you go from Meacham after the war? A. Fort Gibson.

Q Who did you live with there? A. Mary Rider.

Q In town? A. Yes sir.

Q Did she have a family then? A. No sir, just one son.

Q What was his name? A. Jim.

Q Did she have no husband with her? A. No sir.

Q How long did you stay there? A. I don't remember.

Q A year? A. May be, might have been 2, 3 or 4, I don't know.

Q Where did you first see Charles Gash-born? A. I saw him several times there at Fort Gibson.

Q Did you see him before the war? A. I think it was during the war, I saw him at Meacham or else at Fort Gibson, one of those two places.

Q Where did you first see Charles Gash-born? A. I think it was during the war, he was a soldier there.

Q How long after the war was it that you saw him? A. I don't think.

Q These are your children? A. Yes sir.

Q And you don't know where or when you met them for certain? A. I don't know.

Q Where did you go from Brasheoy? A. To the Cherokee.

Q Did you go direct from Brasheoy to the Cherokee? A. I don't know.

Q How long after the war?

Q How long after the war?

Q How long after the war?

Q How long after the war?

Q How long after the war?

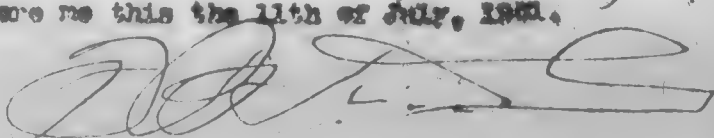
- Q What did you do there? A. I worked.
- Q Who for? A. For Mr. Bismard in the hotel.
- Q Your daughter Bettie was with you? A. Yes sir, two of them, yes all three of them.
- Q Bettie is there still? A. No sir she lives with me.
- Q Hasn't she lived there ever since and isn't she living there now?
- A No sir she is living with me, she stays with me.
- Q How long has she staid with you? A. A year and on.
- Q I mean continuously the last time? A. She has been with me 3 or 4 years off and on.
- Q She came from Fort Scott down there? A. No sir she has been with me off and on since she married ~~somebody~~.
- Q Five years ago when the Kern O'Brien case was sitting, Bettie was in Fort Scott wasn't she? A. No sir.
- Q Her husband was there? A. Yes sir.
- Q Her 2 children were there? A. No sir they has been with me.

+++++

Continued by stenographer H. D. Green. cccccc

Shas. von Welso, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 11th of July, 1901.

(S. von Welso)


Stenographer.

W

36902

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901



ACTING COMMISSIONER

CONTINUED, former portion taken by stenographer, Chas. Von Weise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 27, 1901.

In the matter of the application of PHILLIS HAYES for enrollment of herself as a Cherokee Freedman;
JOHN C. BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

Appearances:

Mr. Smith, of Hallett & Smith, for the applicant;
Mr. W.W. Hastings, for the Cherokee Nation.

BY MR. SMITH:

Q State your name? A John C. Baldridge.

Q How old are you? A 71 years old.

Q Where do you live? A I live in Coowasecoowa District, on Verdigris.

Q BY MR. HASTINGS:

Q Mr. Baldridge, have you ever been convicted of larceny in the United States Court? A I have been convicted in your own court too.

Q Have you been convicted in the United States Court? A You have got it there, yes.

MR. HASTINGS: I examined him to test his competency to testify as a witness. I object to his testifying.

MR. SMITH: The applicant objects upon this examination to any other proof than the record of the conviction. Now, if the Court please, there are two rules upon that; if he is examined, and he can be asked these questions as affecting his inability, but when it comes to the question of competency then you have got to have the record of conviction.

COM'R NEEDLES: I don't know that this examination is to be conducted according to the strict rules of evidence; the object of this Commission is to get the facts in these cases, and when the case is examined for final hearing, the testimony can be entirely stricken out if it is not received at that time; let the motion go in that he not be permitted to testify on account of any knowledge of his having been convicted of larceny, and then on the final hearing in this case, if it is decided by the Commission to adhere to strict rules of evidence that will be discussed at that time, and his testimony if decided upon at that time as being illegal will be stricken out.

MR. SMITH: Applicant objects to the introduction of anything except a record of the conviction upon an examination touching the competency of the witness.

BY MR. HASTINGS, examining witness:

Q Where were you convicted, in what court, and when?

MR. SMITH: I object to that, because the records will show it.

MR. HASTINGS: We have got to find out; this is not intended to incriminate him.

COM'R NEEDLES: No, it is not intended to incriminate him.

MR. SMITH: I object to that.

BY MR. HASTINGS, examining witness:

Q Where were you convicted? A Ft. Smith.

Q About when? A I couldn't tell just exactly.

Q As much as 10 years ago? A I expect about that.

Q Under what name? A John Baldridge. And on Dog Creek, in the Cherokee court, they wouldn't allow me no witness.

BY MR. SMITH:

Q Do you know this applicant, Phillis Hayes? A Yes sir.

Q How long have you known her? A I have been knowing her for years. I believe I got acquainted with her in the year 1863.

Q Where did you know her first? A She came to the army where we was

camped at Ray's Mill.

Q You didn't know her before the war? A No sir.

Q You don't know who she belonged to? A Well it was said she belonged to Rogers family, but I didn't know.

Q You don't know of your personal knowledge? A No sir.

Q When did you see her next after you saw her there in '63 when she came to the army? A After the refugees got so heavy where I was camped, we moved the refugees to Neosho; it was called Neutral Land at that time, and we moved them out at the Neutral Land for safe keeping.

Q Where was you or where was the army when she came to the army? A Well she was right there after they moved them, she was right there at Neutral Land yet.

Q Where did she come to you? A We soldiers went to the refugees at Neosho to bring them down to Ft. Gibson.

Q Well did she go with you, with the soldiers? A First time she come to us at Ray's Mill; that was in '63, we camped there, and we taken them from Ray's Mill down to the Neutral Land, and kept there until '65 and in '65 we moved the refugees to Ft. Gibson, and she was along.

Q How long did she stay about Ft. Gibson? A I don't remember how long she did stay.

Q That was in what year? A That was in the year of 1866.

Q Was it '66 when you moved the refugees? A '66 we moved the refugees, you see we was to stay in the year '65 in '66 and then the whole refugees was in Ft. Gibson, the Germans, the colored all together.

Q You know where this woman, Phillis Hayes, was in '66? A She was in Ft. Gibson.

Q You know how long she stayed about Ft. Gibson? A No sir, I don't.

Q When did you next see her after 1866? A Well it was years, I couldn't tell you exactly how long, but then it was a good while.

Q Where was she living when you saw her next? A She came down from Kansas down and I was with her and I took her and married her and kept her I took her home with me then and lived with her.

Q When was that? A I disremember what year that was.

Q Did you and she live together? A Yes sir. We lived together for years.

Q How long? A 6 or 7 years.

Q Where did you live? A Gooseneck Bend.

Q How far from Nevada? A About three miles I guess, 4 miles; she left in the year, I don't know what year, remember it though, the people took small-pox on Grand river, that's the year she left.

Q You know where she has been living since that? A She went up in Kansas but the boys stayed there at her place there.

Q What place? A On the place where they is now, on my place.

Q Where is that place? A Up on Gooseneck Bend, they lived on now at Timbered Hill, a little ways from me now.

BY MR. LASTINGS:

Q You testified in this case before the Kern-Clifton Court? A Yes sir.

Q Did you say anything about knowing her during the war then? A Yes sir, I knowed her time of the war.

Q Did you tell it before the Kern Clifton court that you knew her during the war? A Yes sir.

Q Did you tell anything about seeing her on the Neutral Land then? A Yes sir, I said I stood guard over there right there at Neosho.

Q You told that right before the court? A Yes sir.

Q You first saw her at Ray's Mill did you? A Yes sir, that's where she came.

Q Where did you join the army? A At Leavenworth.

- Q In what year? A '61, and come on down then--
- Q Who did you go up to Leavenworth with? A A good many of them.
- Q Who? A I couldn't tell exactly.
- Q Well anybody? A Captain Darby.
- Q Where did you meet up with him? A I went to Kansas City to him; now let me show you; when these Indians got stirred up in the year '66 I took my young master and went to the army; we dodged around until we got to Leavenworth; that was in '61.
- Q Your young master? A Yes sir.
- Q What was his name? A George Ross.
- Q You and George Ross joined the army together, run off? A Yes sir. I took him with me, and met a young Downing that was there in camp at Lawrence, Kansas, and then we was at Kansas City, Kansas, and we come on down to Ray's Mill; I belonged to the 6th Regiment, and the Indians was camped there.
- Q You saw this woman after the war did you? A Yes sir, I saw her in the year '66.
- Q She went down with the refugees? A She went with the refugees from Neosho to Ft. Gibson.
- Q That the town of Neosho? A No sir, it wasn't no town, it was just a camp.
- Q On which side of the river was it? A On yonder side.
- Q That would be the east side of the river? A Yes sir, next to Ft. Scott. We got our rations from Ft. Scott.
- Q How far from Ft. Scott was it? A I don't couldn't tell you exactly.
- Q You remember her particularly? A I knowed her particular, because she was in Kansas sick and I was ministering to her, I made medicine for her.
- Q You was practicing medicine then? A Yes sir, all through the army.
- Q Was her mother along with her at that time? A I don't know her mother.
- Q Was her father along with her? A I don't know her mother.
- Q About what aged girl was she at that time? A I couldn't tell, she was the mother of two children.
- Q About how old were they? A Sam Rogers was a little baby; had a little girl.
- Q Were these children along when you first saw her over at that Kansas line? A She had Sam and Bettie.
- Q Were they with her when you saw her at Ray's Mill? A Yes sir, when she come to us she had one little baby, little girl.
- Q What time did she live at Ft. Gibson? A I couldn't tell you.
- Q Didn't she stay in nobody's house there? A I couldn't tell you.
- Q How long did you live around Ft. Gibson at that time? A I moved away from Ft. Gibson, I stayed there, 20 years ago now.
- Q You lived there a number of years after the war? A Yes sir, I was a soldier and stayed right there.
- Q You don't know who she lived with? A No.
- Q Don't know whose house she lived in? A No sir, we never had no houses, just sheds and tents made out of cow hides.
- Q When did you next see her after that? A I couldn't tell you.
- Q About how many years? A I couldn't tell you that to be sure.
- Q When you commenced living with her she had come down from Ft. Scott? A Come from Kansas, but I don't know what part of Kansas.
- Q She bring anybody with her from up there? A She brought boys along.
- Q How many? A She had three boys when she come down here, and I married her, and then she had three more others, two more boys and one girl.
- Q Where was her daughter Bettie at that time? A I don't know exactly where she was at that time.

Phyllis Hayes cont'd 4

Q Was she living with her? A I don't know.
Q Weren't you living with her? A She wasn't living with her when I first married her.
Q Did she ever live with her while you lived with her? A Yes sir, every one of them lived with her.
Q Didn't you swear before the Home-Clifton Commission with reference to Bettie Cash, didn't you say, she has never lived here but always lived in Ft. Scott? A You asked me the question, where is she now, and I told you in the Clifton court, she was in Ft. Scott; you never asked me about living with me; you ask me now if she is living with me, but at the time you asked me I told you just how it was.
Q She lived with you how long, this woman? A I couldn't tell you exactly.
Q Can't you give us any idea how long that was? A I told you awhile ago she left me the year all the people had small-pox down on Grand river.
Q That's the year she left? A Yes sir.
Q Where did she go? A She went up in Kansas I guess.
Q You continued to live up there on Big Creek? A Not Big Creek, I lived in Gooseneck.
Q Well you lived there? A Yes, all the time.
Q How long since you saw this woman after that? A I seen her off and on some time be going two or three months.
Q How long was it until you saw her then after she left? A I couldn't tell exactly how long.
Q Where did you see her the next time keeping house? A Next time I saw her keeping house at T. Timbered will.
Q Where is that? A That's about 7 miles of where I live now.
Q I don't know where that is? A I told you I live at Gooseneck Bend.
Q What town is the nearest to you? A Coffeyville.
Q How long has she been living there? A I don't know.
Q You don't know how long she located there? A No.
Q She been there a year? A Oh yes.
Q Two years? A Over 2 years I guess, I don't know.
Q Is that your best judgment? A Yes, that is my best judgment, I don't know.

CHARLEY CHATERS, being sworn by Con'r Headlon, test filed as follows;

BY MR. SMITH:

Q State your name? A Charley Chaters.
Q How old are you? A 70 years old.
Q Where do you live? A On Big Creek.
Q How long have you lived in the Cherokee nation? A I have lived in the Cherokee nation all my life.
Q Do you know this applicant, Phyllis Hayes? A Yes sir.
Q How long have you known her? A I knowed her before the war.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Lewis Rogers.
Q Was he a Cherokee Indian? A Yes sir.
Q Citi zen of the Cherokee nation? A Yes sir.
Q Where was he living and where was she living time the war commenced? A On the other side of Grand river.
Q In the Cherokee nation? A Yes sir.
Q Did you see her during the war at any time? A That was after the war.
Q When did you first see her after the war? A I seen her after I come up from Ft. Smith, I seen her there at Ft. Gibson, living right

Phillis Hayes et al 5 cont'd

on the river.

Q When did you see her at St. Gibson? A That was along in '65, I seen her.

Q Did you go out of the charcol's ration yourself? A Yes sir.

Q When did you come back? A I come back in '65.

Q You know what time in '65? You come back? A I come back along in the spring.

Q How long after you come back was it until you saw this woman?

A I come somewhere along up in the nursery, corn was tasselling when I come from St. Smith, that was along in '65.

Q Well what was it doing when you got up to St. Gibson, still tasselling? A Yes sir, still tasselling.

Q When did you see her, how long had you been at St. Gibson when you saw this woman? A Oh I had been up there I guess a couple of weeks.

Q How long did you stay at St. Gibson at that time then? A I didn't stay there but a little while; I knocked around there a day or two, first one place and another.

Q When did you next see ~~her~~ Phillis after you saw her there that time? A I saw her on Big Creek, not Big Creek, but on this side of the Verdigris river.

Q About how long after you saw her at St. Gibson? A That was about a year afterwards I guess, as well as I can remember, it was about a year afterwards, or two years.

BY MR. HASTINGS:

Q Who was her master before the war? A Lewis Rogers.

Q You was up there before the war? A I passed along through by there, yes sir.

Q Where were you going? A I don't know where my old master was going, I was along with him.

Q What kind of a house did her master live in? A I couldn't say now.

Q Where was it at? A On the other side of Grand river I know.

Q Was that in Tahlequah district? A I don't know whether it was Tahlequah District or Flint District, I don't know what they called it then.

Q Where did you live? A I lived at Park Hill.

Q How far was it from the town of Tahlequah that she lived, where she and her owners lived from Tahlequah? A I don't know sir, how far it was.

Q Was it as much as ten miles? A Oh it was I guess about 15 or 20 miles, I don't know, I guess so, I don't know exactly how far it was.

Q You don't know what sort of place it was they were living? A No sir, we just passed along there, the old man stopped there a little while, and I would always go along with him to take care of the horses.

Q You recognize her as being there? A Yes sir.

Q And you saw this woman there at that time? A Yes sir, if it wasn't her it was her sister.

Q And that's all the acquaintance you got into with or before the war? A Yes sir.

Q How long did you stay there at Rogers? A Didn't stay there but a little while.

Q How long, just to rest? A I reckon that's what we stopped for.

Q What sort of looking man was Rogers? A There were two or three men there, and I didn't know which one was Rogers; there were two or three men there.

Q Any creeks, rivers or branches near their house? A I don't just recollect now.

Q You didn't see her neither there at that time? A No, if I did I don't know it.

Q Well, Charley, about how old was she, your best judgment, at

Phillis Hayes cont'd 8

Q What time? A Well I couldn't tell you just about how old she was, seems to me like she was pretty near grown.

Q Was she a young woman? A Looked to me like she might have been.

Q Did you talk with her at that time? A No sir.

Q Never had any talk with her? A Hadn't talked with her at all, I just saw her.

Q Just happened to see her in the house? A Yes sir, she was in the house and I was out at the outside fence with the horses.

Q You just saw her in the house? A I saw her walking about in the yard.

Q That's all your knowledge of her before the war? A Yes sir.

Q Where did you see her next? A She was at Ft. Scott, Kansas.

Q Was she living with them? A She was living by herself then, I guess her children was there, I don't know who it was, she was living right there on the river.

Q On what river? A Grand river.

Q How far from the old garrison? A It was I reckon a quarter of a mile.

Q Above or below? A Below.

Q Near the old Bushy's ad house? A Yes sir, right in there.

Q Did she have a husband then? A If she did I didn't know it.

Q Was you at her house? A No sir, she told me where she lived, and I saw her going up there from the city.

Q You recognised her as having seen her before the war? A I thought I did, and I talked with her, and she told me where she lived.

Q That was after the war? A Yes sir. That was in the summer of '65.

Q She was living up there? A Yes sir.

Q Then you saw her after the war, later? A It was a year or two, yes.

Q And she was living on the same place then? A No sir.

Q Where was she living? A She was living up on the Verdigris.

Q A year or possibly two years later? A Yes sir.

Q You put it then in '66 or '67 you saw her up here? A Yes sir, I think as well as I can come at it, it was about '67.

Q Who was she living with then? A When I saw her then she was living with this man Hayes.

Q That was in '67? A Yes sir.

Q That was in Coconook? A No sir, it was up about Coconook Lake, up about where there used to be an old mill set right in the bend of the river.

Q You was at their house? A Yes sir, I went to their house over there, that's where I used to haul lumber from.

Q You hauled lumber from that mill up there? A Yes sir.

Q In '67, about what time in '67 was it? A It wasn't in '67 I hauled lumber from there, it was about a year or two after that.

Q Who was running that mill? A I don't know who the mill did belong to.

Q But you was at their house in '67 up there about Coconook on Verdigris? A Yes sir.

Q She was living with John ~~Hayes~~ at that time? A Yes sir.

Q How long after that until you saw her again? A I saw her then and on after that every three or four weeks, sometimes it would be a month or two, I would see her often and on.

Q Where was she living? A They lived right there.

Q How long did she live there at that place? A I don't know how long they did stay there.

Q Does she live there yet? A No sir, she don't live there now.

Q Did you ever know her in Ft. Scott, Kansas? A No sir.

Q You never? A No sir, I never did.

Q You know she lived on Verdigris all the time? A She lived there all the time when she wasn't working in Coffeyville.

PHILLIS HAYES cont'd 7

Q You know she was working in Coffeyville awhile? A Yes sir.

Q Where did you live? A I lived right on the river, on the other side.

Q Were you ever tried for perjury in the United States Court at Ft. Smith? A No sir.

Com'r Needles: Phillis Hayes applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Glifton roll according to page and number of the roll as indicated in the testimony; she avers that she was a slave, and belonged to one Lewis Rogers, a Cherokee; she has been married once or twice, and is now married to one Hayes, and avers that she has resided in the Cherokee Nation continuously since the year 1866; she returned here in that time; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; awaiting further consideration of the Commission. She will be notified at her post-office address of the disposition of her case.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this July 10, 1901.

[Signature]

COMMISSIONER.

Phillis Hayes C. F. D. 902.

File 111

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8, 1902.

SUPPLEMENTAL TESTIMONY in the case of Phillis Hayes, C. F. D. 902.

Appearances:

W. W. Hastings for the Cherokee Nation
Mellette & Smith for the applicants.

-Witnesses placed under the rule-

J. E. THORP being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the ~~applicant~~ Cherokee Nation.

(By Hastings)

Q What is your name? A J. E. Thorp.

Q What is your post office address? A Iola, Kansas.

Q How long has that been your post office address? A Ever since it was a post office.

Q When was that? A In '59.

Q How large a place was Iola at the close of the war? A Two, three or four hundred.

Q How large a place is it now? A 9000, about.

Q Do you know a colored woman that went by the name of Phillis Hayes? A Yes sir.

Q Where did you know her? A At Hubbard's Mill adjacent to Iola.

Q When did you first know her? A October or November of '67.

Q Did she have any children that you know of them? A I think she had.

Q Did you know them after that? A I never knew but Sam and Lewis that was after that.

Q Where was Phillis Hayes when you first knew her? A Half a mile from Iola at Hubbard's Mill.

Q You dont know when she first came there? A No sir.

Q How long after that did you know her? A 3 or 4 years.

Q Did she ever do any work for you? A I dont remember if she did or not.

Q Do you know where she went to from Iola? A She went to Humbolt, I heard.

Q How far is Humbolt from Iola? A Eight miles.

(By Smith)

Q The woman you are talking about, you first became acquainted with in '67? A Yes sir.

Q It might have been in '68? A I dont think it was.

Q Are you absolutely positive as to the date? A No sir, in October or November though

Q Are you positive as to the year? A I think I may say so.

Q Do you say so? A Yes sir I will.

Q You knew a colored woman named Phillis Hayes about Iola Kansas in '67 in the fall, now do you know if it is the same woman who is an applicant here for citizenship? A No sir.

Q Do you know how old she was? A She is quite aged.

Q An old woman then? A No sir, now.

Q Have you ever seen her since then? A Yes sir, once or twice.

Q When? A 10 or 12 years ago.

Q When did she leave there? A I won't say as to that.

Q Was it several years ago? A In '73 or '4.

Q During that time what was she doing? A Washing.

Q Hired out? A Yes sir.

Q You don't know if she was there continuously or only a part of the time? A Continuously at that time I think.

Q You can't state positively that she was there all the time? A No sir.

(By Hastings)

Q Do you know Bettie Cash? A Not until quite recently.

Q Is there any relationship between Bettie Cash and Phillis Hayes? A

A I don't know, report says there is; she lived at Fort Scott and came back to Iola--I presume that it is her child.

(By Mr. Smith) " I object to the presumption of the witness."

(By Hastings)

Q Have you been informed that Phillis Hayes is the mother of Bettie Cash? A Yes sir.

(By Smith)

Q Who informed you that? A I heard it talked by several.

Q By whom? A I can't name any individual.

Q By disinterested persons who were not connected with the family? A Yes sir.

By Smith: " I object to the above testimony and move to strike it out wherein it refers to the relationship between Bettie Cash and Phillis for the reason that it is not within the rule to allow him to testify that he heard any statement from any person not connected with the family, as to that relationship."

REECE CRAVENS, being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation--

(By Hastings)

Q What is your name? A Reece Cravens.

Q What is your age? A Between 41 and 2

Q What is your post office address? A Vinita.

Q How long has Vinita been your post office? A Between 5 and 6 years.

Q Did you ever live in Iola, Kansas? A Yes sir.

Q Ever live in Humbolt, Kansas? A Not exactly.

Q How far is Humbolt from Iola? A 8 miles.

Q Did you ever know a colored woman named Phillis Hayes? A Yes sir

Q Where? A Iola and Humbolt Kansas.

Q When did you know her in Iola? A '80 and '81, maybe further back than that.

Q Was she living there? A Yes sir.

Q Did she have any children? A Yes sir.

Q Name them? A One Lewis Brady, Sam Rogers, Little Dadie, he is dead.

Q Where did he die? A Humbolt.

Q You knew them first in Iola? A Yes sir.

Q Where did they go, to from Iola? A Humbolt.

Q How long did they live at Humbolt? A I knew her living in Humbolt--

can't tell exactly what year she went there; she married a man named Hayes after that; it was the year she married.

Q When did she leave up there? A She left up there-- I don't know exactly the time, she left there right away after she married sometime in '81 or '82 and came here to the Nation.

Q How long did she stay here? A Only about six months.

Q Where did you next see her? A Humbolt.

Q Living there? A Yes sir came back there.

Q How long did she continue to live there that time? A When I left Iola Kansas and goes to Wichataw she was living there in Humbolt.

Q When was that? A When the Missouri Pacific was built from Fort Scott to Wichataw.

Q About how long ago was that? A After '80 and '81 that was when I left there, she was then living in Humbolt at that time.

Q You stated she married and come here six months and then come back have you seen her since that? A No sir, but I have seen her in Kansas but not at either of these places.

Q Do you know where she is living now? A No sir not exactly.

Q Did you see her here during the last payment? A Yes sir.

Q Do you know where she came from then? A I don't know exactly where she came from that time.

(Smith)

Q Where did you first know this woman Phillis Hayes in Kansas? A

Q Did she live in Iola before she lived in Humbolt? A I don't know if she lived in Iola.

3

Q When did you first know her in jail? A In '80.
Q Didn't know her up till '80? A I might have known her before that.
Q It was somewhere around '80 or '81 that you first knew her? A Yes sir.
Q What was she doing there? A Washing.
Q Cooking? A Yes sir.
Q Day's work? A Yes sir.
Q Have you ever been convicted of any offence? A Shooting a man.
Q When? A '84.
Q What did they do with you? A Sent me to the pen.
Q For how long? A Three years.
Q Where to? A Leavenworth.
Q Anything else? A Fighting.
Q Convicted of peddling whiskey? A I was convicted but I wasn't guilty.
Q You pleaded guilty to it didn't you? A Yes sir.

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This will also be filed in Cherokee freedman Doubtful cases, D-926,
D-1003 and D-825.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 12th of October, 1901.



Commissioner.

CITIZENSHIP

File with Phillip Hayes, O. F. D. 808.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Bettie Cash et al., O. F. D. 825.

Apparatores:

James S. Davenport for the Cherokee Nation.
Joseph Sequichie agent for the applicants.

THOMAS LAHAY being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Thomas Lahay.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A Ever since '82, I have resided continuously there; I have been in the country there for 30 years.

Q Are you in business in Fort Scott? A Yes sir, I have been in different kinds of business.

Q Since you have been residing in Fort Scott, have you become acquainted with a colored woman by the name of Bettie Cash? A Yes sir, knew her well.

Q Where was she living when you first got acquainted with her? A I don't know exactly what house she lived in, she lived in the bottom there near the mill.

Q When did you first get acquainted with her? A In '85.

Q She was then living at Fort Scott or in the bottoms near here?

A Yes sir.

Q After that time did you see anything of her? A Yes sir, I had a good deal of dealings with her about three or four years ago.

Q What kind of dealings did you have with her? A They bought a house and moved it on a lot and then they never paid any taxes for it and I bought it in and got a tax deed after three years; I first paid the taxes in '88 and got a deed in '91.

Q Where was she living during that time? A On that place.

Q After that, what dealings did you have with her? A She rented from me after that for a dollar a month.

Q For how long? A I never charged her anything from two years and she staid there, but I had to get possession of the place or lose what interest I had in it and so then I made a rent contract with her and Cal, her husband for a dollar a month.

Q What was her husband's name? A Oul Cash.

Q How long did you rent that place to her and her husband? A I think it was in '93 that I commenced to charge, and they paid it up to about 3 or 4 years ago when they left, that is I got as much out of them as I could during that time.

Q Do you remember any circumstance of their leaving, or with reference to her going away for any time? A Yes sir she was gone a while, she came here to the Nation and recovered some money, I know I tried to sell her the place after she came back with the money but she didn't seem disposed to buy it, it was not worth much anyway.

Q Did you rent that place to her any after she came here and got that money? A Yes sir.

Q For how long? A About a year.

Q After that what became of her? A She quit her man, she left Cal and she went traveling around doing Missionary business as she called it. I had some dealing with her then and she wrote me a letter from up north somewhere.

Q What kind of business did you have with her then? A She was owing me some.

Q What kind of business did you say she was engaged in when she was traveling around? A She called it Missionary business, collecting money for churches, to build churches, she followed that for several years.

- Q Do you know where she is living now? A I do not know.
(By Mr. Sequoia)
- Q What is your name? A Thomas Lohay.
- Q What is your business? A I have been in different kinds of business I have been principally in the loaning business.
- Q Ever loan Mrs. Cash anything? A Yes sir.
- Q What was it? A I kept a pawn shop and make loans in large amounts and small amounts.
- Q How long have you been loaning her? A I have had more or less dealings with her when she left there.
- Q When did she leave there--when was it? A She pawned some things there when she left.
- Q When did she leave? A I dont exactly remember, three or four years ago.
- Q You dont remember exactly? A No sir.
- Q You say she lived at Fort Scott in the bottoms? A Yes sir in the city.
- Q Did she own the property she was living on? A Yes sir.
- Q Who transacted for the property? A Her and Cal.
- Q Cal who? A Her man.
- Q Did she own that property? A Well she didn't have a clear title to it.
- Q You say she didn't have a clear title to it? A She had a mortgage on it, and --
- Q Then she didn't own it? A Well she held possession of it and had it mortgaged.
- Q Did she ever have a clear title to that property? A No sir.
- Q How long did she live in that house that wasn't really hers? A She had an equity in it, but there was a mortgage on it.
- Q How long did she live there? A They moved that house there in '87 that was that last house, the one I got a tax title to, they were renters before that.
- Q For how long before that? A 3 or 4 years.
- Q What were they doing there? A Cal was working at the Mill and she took in washing.
- Q Was it in '87 that you made that loan to them and had to take the property? A No sir, I never said I made a loan to them on the property, I got the property for taxes.
- Q How much did you loan them on that property? A I never loaned them anything on it, they failed to pay the taxes and it was put up by the County Treasurer and I bought it is and afterwards got a tax title to it.
- Q How long did they live in that house? A From '87 until 3 years ago.
- Q Was she living there ever day? A No sir.
- Q Every week? A I cant say as to every week.
- Q Every month? A They was always there when I went after the rent.
- Q Did you go after the rent every month? A Not every month.
- Q She was not there continually then? A I know she came here once and got some money.
- Q Did you have any conversation with her about her citizenship here? A I dont know that I did.
- Q How long did she stay here that time she came after the money? A Two or three weeks.
- Q How long since you saw her the last time? A 3 or 4 years.
- Q Where was she living when you last saw her? A Fort Scott.
- Q Was she keeping house and taking in washing when she left there? A No sir.
- Q What was she doing then? A Missionary work.
- Q What was she doing, building churches? A I dont know.
- Q Did she ever build a church in Fort Scott? A No sir, I dont think she ever belonged to a church there.
- Q Did she ever tell you what kind of Missionary work she was doing?

A No sir I dont think she told me exactly.

Q Did she say that she had any personal interests in the Cherokee Nation? A She claimed that she got money here.

Q Isn't it a fact that you dont know from your own personal knowledge that she lived there from the time you knew her to this day? A That was her residence from '87 until she left, that one house.

Q Do you know of your own personal knowledge that she lived there continuously from the first time you saw her in Fort Scott until she left? A I saw her frequently and I know she was not gone any length of time.

(By Davenport)

Q Have you the lease that was signed up by her and her husband for that property? A Yes sir. (Hands attorney the lease)

(By Squibbie)

Q You said a while ago that the property was not worth much? A Not very much.

Q Well you made loans on it? A I never made any loans on it.

Q Thought you said you got it from them by reason of a loan? A No sir I said I got it at a tax sale.

Q What did she ever pawn to you then? A I dont know exactly, yes, when she got her money she came back and went to great extravagance and bought one of things they call a shirt waist and paid twelve dollars for it, and she pawned it to me for \$2.00 and I didn't make anything on it for I had to sell it for \$2.00.

Q Then she wasn't very extravagant was she if you only got \$2.00 for the waist? A She paid \$12.00 for it.

Q How do you know she paid \$12.00 for it? A That was what she said. Q What she said, do you know that she paid \$12.00 for it? A Only from what she said.

Q Don't know it of your own personal knowledge? A Never saw her pay the money for it, but she said she paid \$12.00 for it and it was a very fine piece of goods.

Q And you only got \$2.00 for it, who much did you make on that transaction? A Never made anything, I lost, I let her have \$2.00 on it and sold it for \$2.00.

Q You were not much of a trader then were you? A Well I never made anything on that.

(By the Commission)

Q When did she leave Fort Scott? A 3 or 4 years ago.

Q She lived there until that time? A Yes sir.

Q Was she gone a good deal running backwards and forwards through the country? A Of late years she did, there was a preacher there, a Bishop, Bishop W. W. Johnson who was getting women to collect money for him to build churches with and he gave the women half what they collected; he had no church and I told Bettie that she had a right to all of it; he was renting from me too.

Q What year was this that she commenced the Missionary business? A I think Bishop Johnson was sent to the pen for some offence a short time after she commenced.

Q What year was it? A About 8 or 9 years ago I think think that she commenced it.

Q And before that she lived there and took in washing? A Yes sir.

(By Davenport)

Q Did she live there after she commenced this Missionary work? A Yes sir.

* The representatives of the Cherokee Nation offer in evidence the original lease between Thomas Lahay and Bettie and Cal Cash for the rent of property in the city of Fort Scott Kansas. "

BY COM'R NEEDLES: The lease will be filed.

WILLIAM SEXTON, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Willam Sexton.
- Q Where do you live? A Fort Scott, Kansas.
- Q How long have you lived there? A Since '88.
- Q Since you have been living there did you get acquainted with a colored woman by the name of Bettie Cash? A I did.
- Q Did you know any of her family? A I know her husband.
- Q What is his name? A Nelson Cash.
- Q About how long ago was it that you got acquainted with her, with Bettie Cash? A Some 16 or 18 years ago.
- Q How long did they live there to your knowledge? A They remained there until a few years ago.
- Q How many years back? A I think they have been gone from here probably some five or six years.
- Q Did they keep house there? A They did.
- (By Jew Sequichie)
- Q What did you say the husband of Bettie Cash was named? A Nelson.
- Q You are positive about that? A Yes sir.
- Q How long did he live there? A I got acquainted with them about 15 or 18 years ago.
- Q Where were they living when you first got acquainted with them? A When I got acquainted with him he was working in the mill there.
- Q How many miles did they have there in Fort Scott? A There one flouring mill there now.
- Q How many different kinds of mills did they have there? A When he worked at the Goodlander mill that had a custom mill there.
- Q How long did he work there at that mill? A I don't say.
- Q Were you a near neighbor of these people? A I was acquainted with them.
- Q How often did you see Mrs. Cash? A Probably once or twice a week.
- Q How often did you see them? A Every once or twice a week. A Probably for 15 years.
- Q Was Mrs. Cash living in Parsons continuously from the time you first knew her until she left? A Parsons?
- Q I mean Fort Scott? A Yes sir until perhaps 6 or 8 years ago, he left there and I don't know where he went and she remained there a short while after and then she left there.
- Q Where did they go? A I don't know where.
- Q Did you know anything about this woman, whether she ever claimed to be a Charlotte Freeman? A I never knew it until she made the draw down here.
- Q What is Mrs. Cash's occupation? A Same as any other laboring woman, washing or working round.
- Q Did you know anything about her being a Missionary woman? A I think she claimed to be.
- Q You think, do you know? A I know it because long time she came to where I was working and asked for a contribution for church and said she was making collections.
- Q Did you give her anything? A No sir.
- Q Did she ask these donations for churches in Fort Smith or elsewhere? A Both there and elsewhere.
- Q You don't know when she was gone? A I could hear of her at different places.
- Q What year was the first year that you ever saw Mrs. Cash at Fort Scott? A It has been about 15 or 16 years since I got acquainted with her.
- Q That was in about '85? A Probably in about '80.
- (By Lawrence)
- Q Did you learn of her doing any other business besides washing or Missionary work? A No other business.
- Q What was her reputation there as being in any other business there than taking in washing or Missionary business? A No more than by reputation.

By Sequichie: I object to that because he don't know. And the agent for the applicant calls the attention of the Commission that

he refers to the husband of Bettie Cash as Nelson, and this is not the person in question.

(By Davenport.)

Q What kind of looking man was Nelson Cash? A Tall dark looking man.

Q Do you know if he ever went by any other name than Nelson, of your own knowledge? A No sir.

Q You know he was the husband of Bettie Cash? A Yes sir.

Q And that Bettie Cash was the woman who solicited contributions for churches? A Yes sir.

Q What portion of the city did they live in? A Buck Run, some call it, there by the Goodlander mills in the Bottom.

JOHN FORBS called and sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A John Forbes.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A 55 years.

Q Since you have been living there did you get acquainted with a colored family named Cash? A Yes sir.

Q What name did the husband go by? A We always called him Cal.

Q What was the woman's name, if you know? A Bettie.

Q What kind of looking woman was Bettie, if you know? A She was a brown or yellow looking woman.

Q About how long did you know her at Fort Scott? A I knew her for over 15 years.

Q When did you first get acquainted with her? A I think I first got acquainted with her in the Police Court.

Q About what year? A I think in '84 or '85.

Q They didn't have you and Bettie both up in the Police Court did they? A We were both there.

Q Do you know where they were living at that time, what part of Fort Scott? A Yes sir.

Q Where? A They were living in the portion that is now called Tudor-look, down by the Goodlander mill.

Q About how long did they live there after you got acquainted with them? A They lived there from about '84 or '85 up to within about six years ago, 5 or 6.

Q Do you know what business they were engaged in there? A Bettie used to wash there some and Cal used to work in the mill.

Q Did Bettie engage in any other work after that? A Yes sir she told me several times that she had gone into, what she called the Missionary business, I called it begging.

Q How long since you saw Bettie Cash or her husband? A I think it has been a couple of years since I saw Bettie Cash, she was gone for some time and then came back, I met her there in front of a clothing store and she got to talking to me and the proprietor of the clothing house.

Q You have been living there at Fort Scott how long? A 55 years.

Q What business have you been engaged in there? A Mostly in the newspaper business.

Q Editing a newspaper? A City reporter there for different papers and had a paper of my own for some time also.

(By Mr. Sequichie)

Q How far did you live from Mrs. Cash? A I think five or six blocks.

Q How long did you live that close to them? A I have been living that close for ten or twelve years.

Q Was Mrs. Cash at that house continuously from the time they moved there? A I don't know what you mean by continuously.

Q Every day, week or month? A As far as I know.

Q How often did you see her at that house? A Not very often at the house, I saw her most every day on the street.

Q What is your business, are you a broker too? A No sir.
 Q What is it? A I have been doing newspaper work some.
 Q How long have you been doing newspaper work? A For 30 years.
 Q What is Bettie Cash's husband's name? A Cal.
 Q What did he do? A Worked in the Goodlander mill the most of the time I knew him.
 Q Did you ever hear of Mrs. Cash leaving Fort Scott for other parts of the country? A Yes sir.
 Q Do you know how long she would be gone each time? A She wasn't gone over a month or so at a time, once she came to this country and got a lot of money and then come back.
 Q How long did she stay here then? A Couple of months I reckon.
 Q How long did she stay there after she came back with her money? A I can't tell myself, except that she said herself she staid long enough to spend most of her money there.
 Q Are you personally acquainted with her? A Yes sir.
 Q Have any dealings with her? A No sir.
 Q When was the last time that you saw her? A About six months ago.
 Q Where? A Fort Scott.
 Q Did she live then at the same place? A I dont know, I think she did, I wouldn't be positive about that.
 Q How long did she stay then? A I dont know.
 Q Is her and her husband living together now? A I dont know.
 (By the Commission)
 Q Do you know anything about her family, Bettie Cash's family, when she lived there, did she have any children? A Yes sir she had some children.
 Q Where were they? A They were there.
 Q Do you recollect anything about her being away on this Missionary business? A Yes sir for the last three or four years.
 Q Were the children at Fort Scott while she was gone? A I think Cal had some of them and I think some of them were somewhere else.
 Q Did Cal live there when she was off on the Missionary business? A Part of the time he did.
 Q Would she come back to Cal when she came back from this business? A I think so; Cal and she had been fighting a good deal and didn't get along well.
 Q You dont know if she separated from him? A No sir.

 This will be filed in Cherokee Freighter cases, F-825; D-903; D-926, and D-1003.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this the 22 of October, 1901.

C. R. Price
 Commissioner.

71290 ✓

TO THE HONORABLE SECRETARY OF THE
NAVY
WASHINGTON, D.C.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst., in relation to the above subject, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,

J. M. [Signature]

File with Phillis Hayes, C. F. D. 903.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Bettie
Cash et al., C. F. D. 825.

Appearance:

James S. Davenport for the Cherokee Nation.

Joseph Sequichie agent for the applicants.

THOMAS LAHAY being first duly sworn by Commissioner T. B. Needles,
testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Thomas Lahay.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A Ever since '82, I have resided
continuously there; I have been in the country there for 30 years.

Q Are you in business in Fort Scott? A Yes sir, I have been in dif-
ferent kinds of business.

Q Since you have been residing in Fort Scott, have you become ac-
quainted with a colored woman by the name of Bettie Cash? A Yes
sir, knew her well.

Q Where was she living when you first got acquainted with her? A I
don't know exactly what house she lived in, she lived in the bottom
there near the mill.

Q When did you first get acquainted with her? A In '85.

Q She was then living at Fort Scott or in the bottoms near here?
A Yes sir.

Q After that time did you see anything of her? A Yes sir, I had a
good deal of dealings with her about three or four years ago.

Q What kind of dealings did you have with her? A They bought a
house and moved it on a lot and then they never paid any taxes
for it and I bought it in and got a tax deed after three years; I
first paid the taxes in '88 and got a deed in '91.

Q Where was she living during that time? A On that place.

Q After that, what dealings did you have with her? A She rented from
me after that for a dollar a month.

Q For how long? A I never charged her anything from two years and
she staid there, but I had to get possession of the place or lose
what interest I had in it and so then I made a rent contract with
her and Gal, her husband for a dollar a month.

Q What was her husband's name? A Gal Cash.

Q How long did you rent that place to her and her husband? A I think
it was in '93 that I commenced to charge, and they paid it up to
about 3 or 4 years ago when they left, that is I got as much out
of them as I could during that time.

Q Do you remember any circumstance of their leaving, or with
reference to her going away for any time? A Yes sir she was gone a
while, she came here to the Nation and recovered some money, I
know I tried to sell her the place after she came back with the money
but she didn't seem disposed to buy it, it was not worth much anyway.

Q Did you rent that place to her any after she came here and got
that money? A Yes sir.

Q For how long? A About a year.

Q After that what became of her? A She quit her man, she left
Gal and she went traveling around doing Missionary business as she
called it. I had some dealing with her then and she wrote me a
letter from up north somewhere.

Q What kind of business did you have with her then? A She was owing
me some.

Q What kind of business did you say she was engaged in when she was
traveling around? A She called it Missionary business collecting
money for churches, to build churches, she followed that for several
years.

- Q Do you know where she is living now? A I do not know.
(By Mr. Sequishie)
- Q What is your name? A Thomas Lahav.
- Q What is your business? A I have been in different kinds of business I have been principally in the loaning business.
- Q Ever loan Mrs. Cash anything? A Yes sir.
- Q What was it? A I kept a pawn shop and make loans in large amounts and small amounts.
- Q How long have you been loaning her? A I have had more or less dealings with her when she left there.
- Q When did she leave there—when was it? A She pawned some things there when she left.
- Q When did she leave? A I dont exactly remember, three or four years ago.
- Q You dont remember exactly? A No sir.
- Q You say she lived at Fort Scott in the bottoms? A Yes sir in the city.
- Q Did she own the property she was living on? A Yes sir.
- Q Who transacted for the property? A Her and Cal.
- Q Cal who? A Her man.
- Q Did she own that property? A Well she didn't have a clear title to it.
- Q You say she didn't have a clear title to it? A She had a mortgage on it, and —
- Q Then she didn't own it? A Well she held possession of it and had it mortgaged.
- Q Did she ever have a clear title to that property? A No sir.
- Q How long did she live in that house that wasn't really hers? A She had an equity in it, but there was a mortgage on it.
- Q How long did she live there? A They moved that house there in '87 that was that last house, the one I got a tax title to, they were renters before that.
- Q For how long before that? A 3 or 4 years.
- Q What were they doing there? A Cal was working at the Mill and she took in washing.
- Q Was it in '87 that you made that loan to them and had to take the property? A No sir I never said I made a loan to them on the property, I got the property for taxes.
- Q How much did you loan them on that property? A I never loaned them anything on it, they failed to pay the taxes and it was put up by the County Treasurer and I bought it is and afterwards got a tax title to it.
- Q How long did they live in that house? A From '87 until 3 years ago.
- Q Was she living there ever day? A No sir.
- Q Every week? A I cant say as to every week.
- Q Every month? A They was always there when I went after the rent.
- Q Did you go after the rent every month? A Not every month.
- Q She was not there continuously then? A I know she came here once and got some money.
- Q Did you have any conversation with her about her citizenship here? A I dont know that I did.
- Q How long did she stay here that time she came after the money? A Two or three weeks.
- Q How long since you saw her the last time? A 3 or 4 years.
- Q Where was she living when you last saw her? A Fort Scott.
- Q Was she keeping house and taking in washing when she left there? A No sir.
- Q What was she doing then? A Missionary work.
- Q What was she doing, building churches? A I dont know.
- Q Did she ever build a church in Fort Scott? A No sir, I dont think she even belonged to a church there.
- Q Did she ever tell you what kind of Missionary work she was doing?

A No sir I dont think she told me exactly.

Q Did she say that she had any personal interests in the Cherokee Nation? A She claimed that she got money here.

Q Isn't it a fact that you dont know from your own personal knowledge that she lived there from the time you know her to this day? A That was her residence from '87 until she left, that one house.

Q Do you know of your own personal knowledge that she lived there continuously from the first time you saw her in Fort Scott until she left? A I saw her frequently and I know she was not gone any length of time.

(By Davenport)

Q Have you the lease that was signed up by her and her husband for that property? A Yes sir. (Hands attorney the lease)

(By Sequichie)

Q You said a while ago that the property was not worth much? A Not very much.

Q Well you made loans on it? A I never made any loans on it.

Q Thought you said you got it from them by reason of a loan? A No sir I said I got it at a tax sale.

Q What did she ever pawn to you then? A I dont know exactly, yes, when she got her money she came back and went to great extravagance and bought one of things they call a shirt waist and paid twelve dollars for it, and she pawned it to me for \$2.00 and I didn't make anything on it for I had to sell it for \$2.00.

Q Then she wasn't very extravagant was she if you only got \$2.00 for the waist? A She paid \$12.00 for it.

Q How do you know she paid \$12.00 for it? A That was what she said

Q What she said, do you know that she paid \$12.00 for it? A Only from what she said;

Q Don't know it of your own personal knowledge? A Never saw her pay the money for it, but she said she paid \$12.00 for it and it was a very fine piece of goods.

Q And you only got \$2.00 for it, who much did you make on that transaction? A Never made anything, I lost, I let her have \$2.00 on it and sold it for \$2.00

Q You were not much of a trader then were you? A Well I never made anything on that.

(By the Commission)

Q When did she leave Fort Scott? A 3 or 4 years ago.

Q She lived there until that time? A Yes sir.

Q Was she gone a good deal running backwards and forwards through the country? A Of late years she did, there was a preacher there, a Bishop, Bishop W. W. Johnson who was getting women to collect money for him to build churches with and he gave the women half what they collected; he had no church and I told Bettie that she had a right to all of it; he was renting from me too.

Q What year was this that she commenced the Missionary business? A I think Bishop Johnson was sent to the pen for some offence a short time after she commenced.

Q What year was it? A About 8 or 9 years ago I think think that she commenced it.

Q And before that she lived there and took in washing? A Yes sir.

(By Davenport)

Q Did she live there after she commenced this Missionary work? A Yes sir.

" The representatives of the Cherokee Nation offer in evidence the original lease between Thomas Lahay and Bettie and Cal Cash for the rent of property in the city of Fort Scott Kansas. "

BY COM'R NEEDLES: The lease will be filed.

" WILLIAM SEATON, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A William Sexton.
- Q Where do you live? A Fort Scott, Kansas.
- Q How long have you lived there? A Since '89.
- Q Since you have been living there did you get acquainted with a colored woman by the name of Bettie Cash? A I did.
- Q Did you know any of her family? A I knew her husband.
- Q What is his name? A Nelson Cash.
- Q About how long ago was it that you got acquainted with her, with Bettie Cash? A Some 15 or 16 years ago.
- Q How long did they live there to your knowledge? A They remained there until a few years ago.
- Q How many years back? A I think they have been gone from here probably some five or six years.
- Q Did they keep house there? A They did.
- (By J. B. Sequichie)
- Q What did you say the husband of Bettie Cash was named? A Nelson.
- Q You are positive about that? A Yes sir.
- Q How long did he live there? A I got acquainted with them about 15 or 16 years ago.
- Q Where were they living when you first got acquainted with them? A When I got acquainted with him he was working in the mill there.
- Q How many mills did they have there in Fort Scott? A There one flouring mill there now.
- Q How many different kinds of mills did they have then? A When he worked at the Goodlander mill that had a custom mill there.
- Q How long did he work there at that mill? A I can't say.
- Q Were you near neighbors of these people? A I was acquainted with them.
- Q How often did you see Mrs. Cash? A Probably once or twice a week.
- Q How often did you see them? A Every once or twice a week? A Probably for 15 years.
- Q Was Mrs. Cash living in Parsons continuously from the time you first knew her until she left? A Parsons?
- Q I mean Fort Scott? A Yes sir until perhaps 5 or 6 years ago, he left there and I don't know where he went and she remained there a short while after and then she left there.
- Q Where did they go? A I don't know where.
- Q Did you know anything about this woman, whether she ever claimed to be a Cherokee freedman? A I never knew it until she made the law down here.
- Q What is Mrs. Cash's occupation? A Same as any other laboring woman, washing or working round.
- Q Did you know anything about her being a Missionary woman? A I think she claimed to be.
- Q You think, do you know? A I know it because one time she came to where I was working and asked for a contribution for church and said she was making collections.
- Q Did you give her anything? A No sir.
- Q Did she ask these donations for churches in Fort Smith or elsewhere? A Both there and elsewhere.
- Q You don't know when she was gone? A I could hear of her at different places.
- Q What year was the first year that you ever saw Mrs. Cash at Fort Scott? A It has been about 15 or 16 years since I got acquainted with her.
- Q That was in about '85? A Probably in about '80.
- (By Davenport)
- Q Did you learn of her doing any other business besides washing or Missionary work? A No other business.
- Q What was her reputation there as being in any other business there than taking in washing or Missionary business? A No more than by reputation.
- BY Sequichie: " I object to that because he don't know, and the agent for the applicant calls the attention of the Commission that

he refers to the husband of Bettie Cash as Nelson, and this is not the person in question.

(By Davenport.)

Q What kind of looking man was Nelson Cash? A Tall dark looking man.

Q Do you know if he ever went by any other name than Nelson, of your own knowledge? A No sir.

Q You know he was the husband of Bettie Cash? A Yes sir.

Q And that Bettie Cash was the woman who solicited contributions for churches? A Yes sir.

Q What portion of the city did they live in? A Buck Rafsone calls it, there by the Goodlander mills in the Bottom.

JOHN FORBS called and sworn by Con'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A John Forbes.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A 33 years.

Q Since you have been living there did you get acquainted with a colored family named Cash? A Yes sir.

Q What name did the husband go by? A We always called him Cal.

Q What was the woman's name, if you know? A Bettie.

Q What kind of looking woman was Bettie, if you know? A She was a brown or yellow looking woman.

Q About how long did you know her at Fort Scott? A I knew her for over 15 years.

Q When did you first get acquainted with her? A I think I first got acquainted with her in the Police Court.

Q About what year? A I think in '84 or '5.

Q They didn't have you and Bettie both up in the Police Court did they? A We were both there.

Q Do you know where they were living at that time, what part of Fort Scott? A Yes sir.

Q Where? A They were living in the portion that is now called Tudorlock, down by the Goodlander mill.

Q About how long did they live there after you got acquainted with them? A They lived there from about '84 or '5 up to within about six years ago, 5 or 6.

Q Do you know what business they were engaged in there? A Bettie used to wash there some and Cal used to work in the mill.

Q Did Bettie engage in any other work after that? A Yes sir she told me several times that she had gone into, what she called the Missionary business, I called it begging.

Q How long since you saw Bettie Cash or her husband? A I think it has been a couple of years since I saw Bettie Cash, she was gone for some time and then came back, I met her there in front of a clothing store and she got to talking to me and the proprietor of the clothing house.

Q You have been living there at Fort Scott how long? A 33 years.

Q What business have you been engaged in there? A Mostly in the newspaper business.

Q Editing a newspaper? A City reporter there for different papers and had a paper of my own for some time also.

(By Mr. Sequelchie)

Q How far did you live from Mrs. Cash? A I think five or six blocks.

Q How long did you live that close to them? A I have been living that close for ten or twelve years.

Q Was Mrs. Cash at that house continuously from the time they moved there? A I don't know what you mean by continuously.

Q Every day, week or month? A As far as I know.

Q How often did you see her at that house? A Not very often at the house, I saw her most every day on the street.

- Q What is your business, are you a broker too? A No sir.
- Q What is it? A I have been doing newspaper work some.
- Q How long have you been doing newspaper work? A For 30 years.
- Q What is Bettie Cash's husband's name? A Cal.
- Q What did he do? A Worked in the Goodlander mill the most of the time I know him.
- Q Did you ever hear of Mrs. Cash leaving Fort Scott for other parts of the country? A Yes sir.
- Q Do you know how long she would be gone each time? A She wasn't gone over a month or so at a time, once she came to this country and got a lot of money and then come back.
- Q How long did she stay here then? A Couple of months I reckon.
- Q How long did she stay there after she come back with her money? A I can't tell myself, except that she said herself she staid long enough to spend most of her money there.
- Q Are you personally acquainted with her? A Yes sir.
- Q Have any dealings with her? A No sir.
- Q When was the last time that you saw her? A About six months ago.
- Q Where? A Fort Scott.
- Q Did she live then at the same place? A I dont know, I think she did, I wouldn't be positive about that.
- Q How long did she stay then? A I dont know.
- Q Is her and her husband living together now? A I dont know.
- (By the Commission:)
- Q Do you know anything about her family, Bettie Cash's family, when she lived there, did she have any children? A Yes sir she had some children.
- Q Where were they? A They were there.
- Q Do you recollect anything about her being away on this Missionary business? A Yes sir for the last three or four years.
- Q Were the children at Fort Scott while she was gone? A I think Cal had some of them and I think some of them were somewhere else.
- Q Did Cal live there when she was off on the Missionary business? A Part of the time he did.
- Q Would she come back to Cal when she came back from this business? A I think so; Cal and she had been fighting a good deal and didn't get along well.
- Q You dont know if she is separated from him? A No sir.

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This will be filed in Cherokee Freedman cases, D-825; D-902; D-926, and D-1003.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

(Chas von Weise)

Subscribed and sworn to before me this the 22 of October, 1901.

H. R. McKinney

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 1, 1908.

In the matter of the application of Phillis Hayes for enrollment
as Cherokee Freedman.

SUPPLEMENTAL TO D-902.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

GEORGE REDMON, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A George Redmon.

Q Where do you live, Mr. Redmon? A Humboldt, Kansas.

Q How long have you lived at Humboldt, Kansas? A 36 years.

Q What is your age? A 37.

Q Since you have been in Humboldt, Kansas, did you get acquainted with a colored family by the name of Hayes? A Yes, sir.

Q Do you know what the heads of the family, the man and wife's, names were? A The woman's name was Phillis Hayes.

Q What was that, a man or a woman? A A woman I guess.

Q Well when did you first get acquainted with her, Mr. Redmon?

A Why I must have got acquainted with her along in '71 or '2 or '3, somewhere along there.

Q Where was she living at the time you got acquainted with her? A In Humboldt.

Q How long since you have seen Phillis Hayes? A Last Saturday.

Q Where is she living now, living and making her home? A In Humboldt.

Q Has she resided continuously at her home in Humboldt, Kansas, since you got acquainted with her in '70? A Yes, sir.

MR. SMITH: Question objected to because it is leading.

MR. DAVENPORT: How far does Phillis Hayes live from where you live now and make your home? A Well from where I live and make my home it is about seven blocks.

Q About how often do you see her? A Why I see her about once or twice a week.

Q You got acquainted with the family and with the family there along in the '70's? A Yes, sir.

Q And they have then a home there? A Yes, sir.

Q Did you know, did you say they owned property? A Why they owned property.

Q Do you know whether or not Phillis Hayes had any children? A Yes, sir.

Q Do you remember any of their names? A Sam Rogers, Lewis Rogers, Frank Brady.

Q Frank Brady? A Yes, sir. And there was another, there was one living there, a girl, by the name of Bettie Cash.

Q Was any of those children living with their mother when you first got acquainted with the family? A All of them but one.

Q Which one was that? A That was Bettie Cash.

Q Where, if you know, are they now living; if you know where any of them are living at present? A I don't know where any of them are living at the present time with the exception of Phillis.

Q Phillis? A Yes, sir, I don't know where any of the children are, I don't know.

Q How long since you saw the boys in and around Humboldt, Kansas?

A Why I saw them about three weeks ago.

Q Which one was that? A Lewis.

Q You say he went by the name of Rogers? A Yes, sir.

Q Well now I didn't get the names of the first ones that you named a while ago? A Sam.

Q Well did he go by the name of Rogers? A By the same name of Rogers, yes, sir.

Q Frank went by the name of Brady you say? A Yes, sir.

Q How long since you have seen Frank? A Two years this summer since I seen Frank.

Q When you first got acquainted with her what was about the ages of these boys when you first began to know the family? A Why let's see; Lew must have been about twelve years old I guess, and Sam probably two or three years older.

Q Two or three years older? A Yes, sir.

Q Well when they left there, about what ages were they when you missed them away from there? A Well now I couldn't tell you that because they have never been together long enough to know hardly at one time. Sam I believe has been gone about two years.

Q Well were they boys still or grown or— A Oh yes, all grown.

MR. SMITH: How old is this woman that you are talking about? A I couldn't tell you.

Q Well, about? A Well I would judge that she was somewhere in the neighborhood of 30.

Q Where was she living last June? A Well I couldn't tell you that exactly where she was last June.

MR. DAVENPORT: You mean where she was living, Mr. Redmon? A Well, sir, her residence was at Humboldt.

MR. SMITH: Where was she? A Now I couldn't say whether— she might have made a trip down into the Indian Territory; she does once in a while.

Q Well where was her postoffice address last June? A Well sir, I couldn't say because she might have been, might have had her mail addressed to where she was; might have been down here; and sent to her, but she wasn't here during that summer.

Q How do you know? A Well I am very well satisfied I saw her last June up there myself.

Q Well are you positive well enough to swear to it? A Well, no, I wouldn't swear to it, but then I know that I seen her pretty near all the summer there.

Q Had a son named Sam Rogers? A Yes, sir.

Q Another one named what? A Lewis Rogers, and Frank Brady.

Q Brady? A Yes, sir, and then she has a daughter by the name of Bettie Cash.

Q Did you ever know a man named John Baldrige or someone called Oesse Baldrige? A No, sir.

Q When did you first commence to know this woman Phillis Hayes?

A It must have been along in '71 or '2 or '3, somewhere along there.

Q Where was she in '78? A Why I think she was at Humboldt in 1878.

Q Well do you know? A No, I don't know positively that she was there in '78, but then she has never moved away from Humboldt since I have got acquainted with her.

Q '71, how old were you then? A Well sir, I would have been about six years old in '71.

Q You remember back to the time you was six years old, the year?

A No, '71 or '2 or '3, somewhere along there, I didn't say from '71.

Q Well you remember back to the time you was seven, eight and nine years old, when you met people? A Well I don't know as I remember right back to the year, but I think I could pretty near remember it as long as I have known them.

Q How near do you think you could come to it? A Well I don't think I'll miss it more than a year or such a matter, just guessing at it, you know as long as I have known him.

Q You are just guessing at it? A Known them as long as I have known them, yes, sir. That makes me remember that, well then

I would— Charley had two boys, six or seven years old, and I would

catch a licking every time I went to town pretty near from one of the boys there.

Q Now don't you know, if you know anything about this woman, that she has lived in the Cherokee Nation on a farm for a number of years after '78? A No, sir.

Q The woman you are talking about didn't do that at all? A If she did I never knew it; the woman has been in Humboldt continually, might have been off two or three months out of two or three years.

Q Might have been off down here two or three years? A No, sir.

Q What did you say? A I said she might have been down two or three months out of two or three years, this is the case of the matter; of course a great many things might have—

Q Well what was the case? A That was the case exactly.

Q The woman that you speak of was never away from Humboldt longer than how long would you say? A Why I think three months, I suppose three months at a time.

Q Three months at a time? A Yes, sir, out of two or three years. She has made several trips down in here that I know of, but she didn't stay but a short time, sometimes not over a month, and right back.

Q Sometimes she would make trips possibly when you wouldn't know anything about it? A I will admit that, but she wasn't gone long enough for a person to miss her hardly.

Q How long would it take you to miss her? A Oh it might take me a week to miss her.

Q Have you been there all the time yourself? A No, not all the time. I have been away some, been around some.

Q When did you go around any? A Why I went around three or four years ago.

Q Well where did you go? A I was up at Emporia.

Q How long did you stay? A Why I guess I was up there a couple of years at that time.

Q Well now you are willing to say that Phillis didn't leave home while you was away? A No, I didn't swear to that at all.

Q Well then she might have been gone all the time you was away so far as you know? A Yes, sir, that's what I say; but I said to my knowledge.

Q Well now outside of that two years that you was gone where else did you go? A No place.

Q Just the one time you was away from home? A Why I have been up there off and on several times; but then I never stayed like I did during that time I was up there two years.

Q How long was the next longest time you stayed? A I think about six months, and then come back home and stay two or three years and go back again.

Q Six months? A Yes, sir.

Q Well then there were times outside of the time you spent two years away from home that you were away six months at a time? A Yes, sir.

Q Well then what did you mean a while ago by saying that there never had been a time, was that your statement? A To my knowledge.

Q From the time you first knew her until now that she had been away from there over three months? A To my knowledge.

Q Did you say anything about your knowledge? A To my knowledge, no time.

MR. DAVENPORT: What part of Humboldt does Phillis Hayes live in, Mr. Redmon? A She lives in the southwest part of the city.

Q Near whom place? A Why she lives near Mr. Payne's place, a colored gentleman there, and two blocks north of my father's place.

Q Well is Payne's a residence or a business place? A Residence.

NELSON LOWRY, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Nelson Lowry.

Q Where do you live? A Tahlequah.

Q How long have you lived at Tahlequah or in that country? A All my life nearly.

Q Do you know Phillis Hayes, a colored woman? A I have met her twice.

Q When did you first meet her? A I saw her in 1889.

Q Where did you meet her? A In Humboldt, Kansas.

Q Do you know where she was living at that time? A She was living there in the southwest part of town, I think, near the Neosho River.

Q Southwest part of what town? A Humboldt.

Q Kansas? A Yes, sir.

Q Well when did you next see her after that? A I saw her up there about April 6th or 7th, I believe.

Q Of what year? A 1902.

Q This year? A Yes, sir.

Q Where was she living? A She was living

at the same place.

Q Was you in Humboldt, Kansas, this year? A Yes, sir.

Q Well, where did you see her when you was at the same place where they was living? A Up in the southwest part of town.

Q Were you in town or where? A I was in the town.

Q How do you know she was living in town? A I went to her house, went there to see her.

Q Have you any relatives that live in Humboldt, Kansas? A My wife's sister lives there and stepfather.

MR. SMITH: Well all you know about that then is that in 1889 you saw this woman Phillis Hayes or saw a woman named Phillis Hayes in Humboldt, Kansas? A Yes, sir.

Q And saw the same woman up there this last April? A Yes, sir.

MR. DAVENPORT: Was the woman you saw up there the one that applied for enrollment before the Freedmen Commission? A Yes, sir.

Q You was there at Nowata, wasn't you, when the enrolling Commission was there? A Yes, sir.

MR. SMITH: When did you come to Nowata, what day did you come there? A I don't remember; I was with the Commission ever since they first started in, ever since they moved there.

Q Well weren't you with the Commission all the time? A Yes, sir, been with them ever since they first started there except a week or two.

Q What week or two was that? A I don't remember. I would be looking up witnesses, and sometimes for that reason would not be there.

Q Well you quit the Commission for a while, you weren't with the Commission at least for a time after the Commission was at Chelsea? A Sir?

Q Where did you go when you left Chelsea? A I went down to Tahlequah.

Q Tahlequah? A Yes, sir.

Q Well how long did you stay down at Tahlequah that time? A I went a week before the Commission quit.

Q Now you say you was present and saw her apply for admission?

A Why I didn't see her apply but I saw her there at Nowata.

Q Well you don't know whether she applied at Nowata or not, do you? A I think she did.

Q Well how do you know if you wasn't there and saw her? You don't really know of your own knowledge where she applied, do you? A Yes, I saw her there at Nowata, and that was there she applied at.

Q Well didn't you see her anywhere else except at Nowata? A Yes, sir, I saw her in Kansas.

Q Did you see her at Vinita? A I don't remember whether I did; so many people I can't remember all of them.

Q Did you see her at Chelsea? A I don't remember whether I did or not.

Q Well how do you remember that you saw her at Nowata? A Oh I had a talk with her, and she asked me about my wife; she knew my wife ever since she was a little girl.

Q Well now how long had the Commission been in operation at Nowata, been proceeding at that place before you got back from your trip to Tahlequah? A I went from ~~Tahlequah~~ Chelsea over to Nowata with them.

Q You did? A Yes, sir.

Q It was while they were at Chelsea then that you was out a week? A Yes, sir.

Q Well how long did you stay at Nowata? A Oh I don't know just how long, I couldn't say.

Q Well where did you go from Nowata? A Me?

Q Yes, sir. A I went to Tahlequah.

Q Went back to Tahlequah; did you stay until the Commission adjourned at Nowata or did you leave before it adjourned? A I said I went away a week before they adjourned, that's what I said.

Q Week before they adjourned at Nowata? A Yes, sir.

Q Well what did you say that you were at Nowata when Phillis applied or that you were not, when she went in to enroll? A I couldn't say that I was right there when she went in to enroll, but I saw her there.

MR. DAVENPORT: You say that she had known your wife from a child?

A Yes, sir, known my wife.

Q Well where was your wife raised? A Born and raised in Humboldt.

Q Kansas? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-926, D-1003, D-825, and D-802, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of May, 1902.

J. H. Renter
Notary Public.

8590 ✓

1. *Prunella vulgaris* L.

1858-1859

7:11:23a

1897-1898

(AIR)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Phillis Hayes for the
enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-902.

APPEARANCES:

W. W. Hastings for Cherokee Nation.
Mollette & Smith for applicant.

MR. HASTINGS: The Cherokee Nation offers in evidence a quit-claim deed on the 20th day of March, 1878, from Josephine Amos and G. A. Amos, her husband, of Humboldt, in the County of Allen and State of Kansas, to Phillis Brady, quit-claiming lot 36 in block 97, in the city of Humboldt, Kansas, to the said Phillis Brady.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that it is entirely immaterial to an issue involved in this case as to whether the applicant did or did not have property conveyed to her in Kansas.

MR. HASTINGS: The Cherokee Nation offers it in evidence for the purpose of showing or tending to show that if she owned property up at that place she must have been a resident up there, as is heretofore sworn to by witnesses introduced by the Cherokee Nation.

COMMISSION: This testimony will be also filed with and made a part of the record in the case of Sam Rogers, D-926, who is represented by Mollette & Smith.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger

Subscribed and sworn to before me this 29th day of May, 1902.

J. H. Renter
Notary Public.

mission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commissioner, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commissioner, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicants on the other why an extension of time is necessary or desired.

The Commission

The law provides that the testimony of Cherokee freedmen should be made in strict compliance with the provisions of the 10th of October, 1892, rendered the 2nd of February, 1894, and that the Commissioner should judicial notice of the judgment of the court in the case of the Freedmen referred to the matter of attorneys' fees and costs for a national time to close and copies of the testimony should be sent to the Court in Denver.

The undersigned, being duly sworn, states that he attests and subscribes to the Five Civilized Tribes as correctly stated in the foregoing and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) T. A. Reinhardt

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Neuter,

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitnire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Phillis Hayes, D 902;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1863, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

CHIEF.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Bettie Cash et al., as Cherokee freedmen, consolidating the appli-
cations of:

Phyllis Hayes	Cherokee Freedmen D 902
Sam Rogers	Cherokee Freedmen D 926
Lewis Hayes	Cherokee Freedmen D 1003
Bettie Cash et al	Cherokee Freedmen D 825

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Phyllis Hayes for herself; by Sam Rogers for himself; by Lewis Hayes for himself; and by Bettie Cash for herself and her minor children, Augustus, William, Osie, John, Ethel, Hester, Calvin, Clarence and Toots Cash.

The evidence shows that Phyllis Hayes was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation. The record further shows that the applicants, Sam Rogers and Lewis Hayes, are children of Phyllis Hayes, born since 1866, and possess no rights to enrollment except such as they derive through her. The name of neither of the aforesaid applicants is identified upon the 1880 authenticated roll of the Cherokee Nation.

The applicant, Bettie Cash, is identified upon the 1880 authenticated Cherokee roll as Inah Lynch, native Cherokee. This is an error in classification; the applicant, Bettie Cash, possesses no Cherokee blood and claims no right to enrollment except as a Cherokee freedman.

The evidence further shows that the said Bettie Cash has maintained a home in the Cherokee Nation continuously since her enrollment in 1880, though she has been temporarily absent in the State of Kansas and elsewhere; that the applicants, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash, are her children, born since the making of the 1880 roll, and have maintained a residence in the Cherokee Nation since birth.

It is further shown by an affidavit of death, which is filed herewith and made a part of the record in this case, that Augustus Cash died on June 15, 1897.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Phyllis Hayes, Sam Rogers and Lewis Hayes as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and that Bettie Cash, William Cash, Osie Cash, John Cash, Ethel Cash Hester Cash, Calvin Cash, Clarence Cash and Toots Cash should be enrolled as Cherokee freedmen, in accordance with the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Augustus Cash as a Cherokee freedman be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. E. Needles
Commissioner.

(Signed) C. E. Brookridge
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904.

2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

PI 1, 12 '0
MAY 1 1902



Acting Secretary

Suit Chain Deal.

This Indenture Made this 20 day of March in the year of our Lord One Thousand Eight hundred and twenty eight between Josephine Ames and H. H. Ames her husband of Humboldt in the County of Allen and State of Kansas of the first part and Philip Bradley of the second part:

Witnesseth that the said parties of the first part in consideration of the sum of Two Dollars to them duly paid do Remise, Release and Quit Chain to the said party of the second part her heirs and assigns all that tract or parcel of land situate in Humboldt Allen County and State of Kansas and described as follows to-wit:

To-wit Five and Six Block Ninety seven Humboldt City with the appurtenances and all the estate title and interest of the said parties of the first part therein.

And the said parties of the said parties of the first part have hereunto set their hands and seals the day and year above written.

Josephine Ames (seal)

H. H. Ames (seal)

State of Kansas, } ss:

County of Allen. I, J. W. Cunningham, Notary Public in and for said county came Josephine Ames and H. H.

Quinn's husband to me personally known
to be the same person who executed the
foregoing instrument and duly ack-
nowledged the execution of the same.

The following record I have herewith
submitted my name and affixed my
official seal on the day and year last
above written.

J. M. J. Nichols

The above deed appears of record in Book
Q. of Deeds at page 391 Records of Illinois Co.
Arkansas.

A. P. Fowler

Register of Deeds

1901 Tax on Lots 5 & 6 Blk 99 Humboldt City
paid in full.

Frances Wilson, Jr.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 1902

3-27-02

MISSION TO THE FIVE CIVIL

FILED

MAR 24 1902

[Signature]

ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Phillis Hayes,
Coffeyville, Kan.

Cherokee F -D-902

Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

No. 10 902

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

..... day of 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
-this day of A. D. 1901.

PA. OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 13 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Phillis Hayes
for enrollment as a Cherokee citizen:

Case No. D 902

To Phillis Hayes or Mellette & Smith ~~has~~ Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

L. B. Belt
W. W. Hastings
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AP 1902

 ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Phillip Hayes,
for enrollment as Cherokee Freedmen:
Case No. F. D. 902

To Phillip Hayes or Mellette & Smith his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T., Indian Territory, on May 1st, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 29, 1902.

L. B. Bell

W. W. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

B

35002

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901


ATTORNEY AT LAW

copy 100

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27, 1901
 Post Office Coffeyville Kas.
 District Co

1. Name Age
 Owner's name Citizenship
 Year Page No. District

Parents:
 Father Citizenship Coffeyville, Kansas
 Mother Citizenship Coffeyville
 Age 50

2. Name of wife Phyllis Happs
 Owner's name Ellen Rogers
 Year 1880 Page 173 No. 4242 District Co Coanweescaowee
 Citizenship Co

Parents:
 Father Peter Rogers Citizenship Freedman
 Mother Citizenship Freedmen

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by Ms. Stenographer Chas. von Heine

Represented by Mellette and Smith

102

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE EVERGLADES
EST. 1907

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Wyllis Dwyer for an-
rollment as Cherokee Freedman.

Cherokee Freedman #

Dwyer

Wyllis Dwyer

Attys for applicant

Cherokee Freedmen

3-902 et al.

Muskogee, Indian Territory, July 23, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Phyllis Hayes, et al., granting the applications for the enrollment of Bettie Cash, William Cash, Ocie Cash, John Cash, Ethel Cash, Hester Cash, Calvin Cash, Clarence Cash and Toots Cash as Cherokee freedmen, dismissing the application for the enrollment of Augustus Cash as a Cherokee freedman, and rejecting the other applicants mentioned therein.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. 3-81.

Commissioner in Charge.

COMMISSIONERS:
TAMM HEST,
THOMAS B. NEEDLES,
C. B. BRIDGEMAN.

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ms

REPORT IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-902.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 15, 1904.

Phyllis Hayes,
Coffeyville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the consolidated case of Phyllis Hayes, et al., rejecting, among others, your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to Bettie Cash, et al., a copy of which protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Commissioner in Charge.

Encl. S-35.
Register.

COPY.

Cherokee Freedmen

D-802 D-824.

Muskogee, Indian Territory, August 15, 1904.

Edgar Smith,

Attorney for Phyllis Hayes, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, in the consolidated case of Phyllis Hayes, et al., rejecting, among others, the applications of Phyllis Hayes and Sam Rogers for enrollment as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to Bettie Cash et al., a copy of which protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. D. Needles.

Encl. 5-59.
Register.

Commissioner in Charge.

Cherokee Freedmen

D-202-226-1003-

222.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Phyllis Hayes, et al., for enrollment as Cherokee freedmen, including the Commission's decision, dated July 23, 1904, granting the application for the enrollment of Bettie, William, Oale, John, Ethel, Hester, Calvin, Clarence and Teats Cash, rejecting the applications for the enrollment of Phyllis and Lewis Hayes and Sam Rogers as Cherokee freedmen, and dismissing the application for the enrollment, as a Cherokee freedman, of Augustus Cash, he having died prior to September 1, 1904.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to these applications granted, a copy of which protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

Respectfully,

Encl. 2-60.

Through the

Commissioner in Charge,
Commissioner of Indian Affairs.

Refer in reply to the following:

Land.
57366-/904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, September 27, 1904.

THE Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Phillis Hayes for herself; by Sam Rogers for himself; by Lewis Hayes for himself; and by Bettie Cash for herself and her minor children, Augustus, William, Osie, John, Ethel, Hester, Calvin, Clarence and Toots Cash.

July 23, 1904, the Commission decided favorably upon the applications of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence and Toots Cash, rejected the application of Augustus Cash by reason of his death June 15, 1897, and adverse to the other applicants.

The record shows that Phillis Hayes was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return prior to February 11, 1867. The record further shows that the applicants, Sam Rogers and Lewis Hayes

are the children of Phillis Hayes born since 1866, and possess no rights to enrollment except such as they derive through her. The applicant, Bettie Cash is identified on the 1880 authenticated Cherokee roll as Dinah Lynch, native Cherokee, being an error in classification. None of the other applicants is identified on the 1880 authenticated Cherokee roll, but the names of all who were of sufficient age are found on the Kern-Clifton roll, but no other.

In view of the record the approval of the Commission's decision favorable to Bettie Cash, William Cash, Osie Cash, John Cash, Ethel Cash, Hester Cash, Calvin Cash, Clarence Cash and Toots Cash, and adversely to all the others is recommended.

Very respectfully,

A. C. Tonner.

Acting Commissioner.

M.M.
W.

(JEM)

DO 30720

DEPARTMENT OF THE INTERIOR,

LLS

I.T.D.-1173-1904.

Washington, August 10, 1905.

LSB.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 27, 1904, the Indian Office submitted the papers in the consolidated applications for the enrollment as Cherokee freedmen of Phyllis Hayes, Sam Rogers, Lewis Hayes, and Bettie Cash for herself and nine minor children, and recommended that the decision of the Commission to the Five Civilized Tribes in favor of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash, and adverse to the application of Augustus Cash, Phyllis Hayes, Lewis Hayes, and Sam Rogers, be affirmed.

The Department concurs in the recommendation made as to all of the applicants except Bettie Cash and her children, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash.

The nation protests against that portion of the Commission's decision in favor of Bettie Cash and her children, contending among other things that the testimony shows that Bettie Cash forfeited her citizenship in the Cherokee Nation by marrying and residing in Kansas for several years. This is the only material question

raised by the nation.

The testimony is not satisfactory. Apparently, Bettie Cash with her husband and some of her children resided in Kansas many years after her enrollment on the 1880 Cherokee roll.

The Department is not inclined to order the enrollment of this family without further opportunity being given the nation and the principal applicant to be heard.

The case is therefore remanded as to such family except Augustus Cash, who died June 15, 1887, and you will order a rehearing and in due time render such decision as you deem proper.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

2 inclosures.

(JMM)

COPY.

Cherokee Freedman D-225.

Muskogee, Indian Territory, August 17, 1905.

Mellette & Smith,

Attorneys for Phyllis Hayes et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 10, 1905 (I.T.D. 8178-1904), wherein the decision of the Commission to the Five Civilized Tribes, as to Phyllis Hayes, Sam Rogers, Lewis Hayes, and Augustus Cash, rejecting the applications for their enrollment, is affirmed by the Department, and the applications for the enrollment of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash is remanded and a rehearing ordered.

Bettie Cash has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as to her residence in the Cherokee Nation subsequent to her enrollment on the 1880 authenticated Cherokee roll. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires.

X 4 5-2.

For your information there is herewith inclosed a copy
of Departmental letter above referred to.

Respectfully,

Incl. GL-26.

OHL

(SIGNED)

Acting

W. O. Seare
Commissioner

COPY.

Cherokee Freedman B-825.

Muskogee, Indian Territory, August 17, 1905.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 10, 1905 (I.T.D. 8178-1904), wherein the decision of the Commission to the Five Civilized Tribes as to Phyllis Hayes, Sam Rogers, Lewis Hayes, and Augustus Cash, rejecting the applications for their enrollment, is affirmed by the Department, and the application for the enrollment of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash is remanded and a rehearing ordered.

Bettie Cash has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as to her residence in the Cherokee Nation subsequent to her enrollment on the 1880 authenticated Cherokee roll. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires.

B, H & B.-2.

For your information there is inclosed herewith a copy
of Departmental letter above referred to.

Respectfully,

Incl. GL-25.

CHL

SIGNED

Acting Commissioner

COPY,

Cherokee Freedman B-908.

Muskogee, Indian Territory, August 17, 1906.

Ethyllis Hayes,

Goffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1906.

Respectfully,

SIGNED:

Wm O. Ball
Acting Commissioner.

CHL

COPY.

Cherokee Freedman D-902.

Muskogee, Indian Territory, August 17, 1905.

Phyllis Hayes,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

Respectfully,

GHL

SIGNED

Wm O Ball
Acting Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Unclaimed

10870



Phyllis Hayes,

Coffeyville, Kansas.

486
74

REGISTERED,
AUG 19 1904
MUSKOGEE, IND. TER.

SEP 1, 1904

Cher. Fr. R 775

Cher. Fr. R. 775

Trans. from Cher. Fr D 910

File with Cherokee Freedman D-910, *Nellie Foster*

Department of the Interior,
Commission to the Five Civilized Tribes,
Hearings, I. F., June 22, 1901.

In the Matter of the application of Becky Webber for the enrollment of herself and 3 children as Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Becky Webber.
Q How old are you? A 46 or 7 years old I guess, I don't know.
Q What is your postoffice? A Centralia.
Q What district do you live in? A Cooweescoowee.
Q You apply to enroll as a Cherokee Freedman? A Yes sir.
Q Who besides yourself? A 3 children.
Q Give me the names of your children? A Louella Webber.
Q How old is Louella? A 18 years old.
Q Next one? A Arthur Webber.
Q How old is Arthur? A 13.
Q Next one? A Mabel Webber.
Q How old is Mabel? A 6 years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ellis Webber.
Q Is he a citizen? A Yes sir.
Q Has he been enrolled? A No sir.
Q Why don't he enroll with you? A I don't know sir.
Q Is your name on the roll of 1880? A No sir.
Q What is your father's name? A Frank Crossland.
Q What is your mother's name? A Elipha Holt.
Q Frank Crossland living? A No sir.
Q Elipha Holt living? A No sir.
Q You say your name is not on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir, I drew the Wallace money and Clifton and Karm money.
Karm-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
page 140 #3467 Rebecca Webber, Cooweescoowee District.
page 140 #3472 Lou Webber, Cooweescoowee District.
page 140 #3473 Arthur Webber, Cooweescoowee District.
Q Your father is not living? A No sir.
Q Nor your mother? A No sir.
Q Where were you born? A At Webbers Mills.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Bill Holt.
Q Was he a Cherokee? A I guess so. His woman was, I don't know, I was small.
Q Was you taken out of the Cherokee Nation during the war, and your mother? A Yes sir.
Q Where to? A Ft. Scott.
Q When did you come back? A '86.
Q Been living here ever since? A Yes sir.
Q Are those children all living? A Yes sir.
Q Were they born in the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.
Q You say you have lived in the Cherokee Nation continuously since 1866? A Yes sir.
Q How long has your mother been dead? A About 22 years.
Q You know why your name is not on the roll of 1880? A No sir, I do not.
Q Was your father a slave? A Yes sir.
Q Did he die before the war? A Yes sir.
By Mr. Dawson, Cherokee Rep'to:
Q Do you know to what you belonged before the war? A Bill Holt.

Q You didn't claim you belonged to Bill Holt at the Kern-Clifton Commission? A No sir.

Q Didn't you claim you belonged to Robin Webber? A No sir.

Q Where was Bill Holt living when the war broke out? A At Webbers Falls.

Q You went to Kansas during the war did you? A Yes sir.

Q What point? A Ft. Scott.

Q How long did you stay at Ft. Scott? A I was 6 years old when I went there, and they said I was 9 when I come back here, I don't know.

Q Who did you go with to Ft. Scott? A My mother.

Q Anyone else? A I don't know.

Q What is your mother's first name? A Zilphy Holt.

Q Who did you come back to the Cherokee Nation with?

A My uncle, Caesar Smith, Moss Smith, and Joe Smith and George Meigs, and Sam Webber, and I don't know who all, there was a whole lot of us.

Q How old was you when the war broke out did you say? A I said I was 6 years old.

Q Where have you been living since you came back? A I lived on Big Creek a while and on Cedar Creek.

Q Have you lived anywhere else except the Cherokee Nation? A No sir.

Q Resided continuously in the Cherokee Nation? A Yes sir.

Q How many children had you when you returned to the Cherokee Nation? A I never had any at all.

Q Is Lydia your child? A No sir, that's my mother-in-law, she was named Rebecca too, call her Becky for short.

Q Is Lydia your sister then? A Sister-in-law.

Q Was you along around then before the Kern-Clifton Commission?

A Yes sir.

Q Had you any sisters or brothers? A Yes sir, one sister living.

Q What was her name? A Lina Kirk was her father's name, Lina Wolf.

Q Did you apply to the Kern-Clifton Commission under the name of Rebecca Webber? A Yes sir.

Q Were you included in the application of Rebecca Webber, your mother-in-law? A No sir, she didn't have anything to do with me.

Q Had you a brother named Lewis, or a child? A No sir, that's my brother-in-law.

Q How old is your oldest child? A My oldest boy is about 24 or 5 years old.

Q Where was he born? A On Big Creek.

SAMUEL WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q Your name is Samuel Webber? A Yes sir.

Q Your age is? A 36.

Q Postoffice Nowata? A Nowata.

Q You know Rebecca Webber, the applicant? A Yes sir.

Q How long have you known her? A I got acquainted with her ever since the war.

Q You know whether she was a slave or not? A No sir, I couldn't tell you that.

Q You know her husband, Ellis Webber? A Yes sir, I know Ellis.

Q Is he living? A Yes sir.

Q Did you know her mother, Zilphy Holt? A Yes sir.

Q Was her mother a slave? A I couldn't tell you that.

Q Don't know? A No sir.

Q Where did you first see Zilphy Holt and Rebecca Webber after the war? A I saw them there at Big Creek.

Q What year? A In the fall of '66.

Q Big Creek in the Cherokee Nation? A Yes sir.

Q Did they return with you? A No sir, they came afterwards.

Applicant, BECKY WEBBER, re-called and further examined;

By Com'r Needles:

Q Is Ellis Webber living? A Yes sir.

Q Is his name on the roll of 1880? A No sir.

Witness, KATHA WEBBER, re-called and further examined by

Mr. Davenport, ~~Charles~~ See 've:

Q You wasn't acquainted with her family until after the war?

A No sir, time of the war.

Q You saw them at Ft. Scott? A Yes sir.

Q How many people come back with that crowd that come back in the latter part of '86? A There was several families in uncle Caesar Smith's family there that come along.

Q First you saw this girl and her family she was on Big Creek?

A Yes sir.

Q And that was sometime after you had come back the last time?

A Yes sir.

Q Do you remember whether it was before or after Christmas?

A It was before Christmas.

Q What makes you remember it was before Christmas? A We all had a little Christmas dinner Christmas there you know, we was together

Q Did you form a little camping ground? A No sir, we had little cabins around.

Q Were your cabins built during the summer? A Some of us had.

Q Some of you built during the summer? A Some of us had, but we had not finished them, we finished them that fall when we moved there.

Q How old was she then? A She was a small girl, not very large.

Q Where is Ellis Webber now, do you know? A There he stands right there (Pointing to a man).

Q When were she and Ellis Webber married? A I married that couple, but I can't tell you exactly, it has been 4 years ago I believe.

Q Do you know anything about this woman and her mother Zelphy Holt before the war? A No sir.

Applicant, BECKY WEBBER, recalled and further examined;

By Com'r Needles:

Q When were you married to Ellis Webber? A I couldn't tell you what year it was in.

Q Was you married when these children were born? A After some of them were born.

Q You know about how many years you were married? A I couldn't keep up count in my head, I aint got no learning.

Q It has been 15 years? A Nosir, I don't think it has been that long.

Q Been 10? A It has been about 12 years I guess, I couldn't tell you exactly.

Q Was Louella born before you married? A Yes sir.

Q Was you ever married before you married Ellis Webber? A Yes sir, I was married to a man named Curry, state man.

Q Is Curry and Webber the only 2 husbands you had? A No sir, I had another man.

Q Before Curry? A Yes sir.

Q What was his name? A Anderson Johnson.

By Mr. Davenport:

Q Where did you marry Curry? A I never married him.

Q Where was you living when you took up with him? A On Big Creek.

Q Where was you living when you took up with Johnson? A On Big Creek.

EDMOND VANN, being sworn and examined by Mr. Davenport, testified as follows:

Q What is your name? A Edmond Vann.

Q What is your age? A 58.

- Q What is your postoffice? A Lenapah.
- Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Is he a freedman? A Yes.
- Q You know the applicant, Rebecca Webber? A Yes sir.
- Q How long have you known her? A Before the war.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Bill Holt.
- Q Was Bill Holt a Cherokee? A Yes sir.
- Q What was her mother's name? A Zilphy Holt.
- Q You know where Rebecca Holt and Zilphy Holt were during the war between the North and South? A No sir.
- Q Where did you see the applicant the first time after the war? A On Big Creek.
- Q What year was that? A Cedar Creek where I saw them after the war, in '70.
- Q In 1870? A Yes sir, '67.
- Q You never saw the mother of this woman until 1870? A '67, when I saw them.
- Q What part of '67? A In the spring.
- Q You recollect whether it was in January, February or March? A No sir, I don't, it has been so long I forget.
- Q Have you known this woman Rebecca Webber since that time? A Yes sir.
- Q She always lived in the Cherokee Nation? A Yes sir.
- Q You know her children? A Yes sir, I know some of them.
- Q You know how many children she has got? A I guess I do.
- Q How many? A There's Frank and, I can't hardly think of the children's names, I can't call their names, I know she has got a good many though.
- Q You know her father? A Yes sir.
- Q Was he a state man or a slave? A Slave.
- Q How long had her father been dead? A Before the war.
- Q You know then that Rebecca and her mother were slaves? A Yes sir.
- Q Your testimony then is that you saw them in the Cherokee Nation about the spring of '67? A Yes sir, spring of '67.
- Q You don't know what month in '67 it was? A No sir.
- Q By Mr. Davenport:
- Q Where did you live when the war broke out? A I lived at Polly Webb's place, 5 miles above Ft. Gibson. But I was raised at Webbers Falls.
- Q Where were these people living when the war broke out? A At Webbers Falls.
- Q How far did you live from them at that time? A About 5 miles below where they lived; they lived on one side of the river and we on the other.
- Q Where did you go from there? A I come up to Gibson, and lived there 5 years.
- Q How long before the war was that? A That was before the war.
- Q How long before the war? A We lived up on Verdigris there 5 years.
- Q Where were these people living before the war broke out? A On the Holt place.
- Q You know that of your own knowledge? A Yes sir.
- Q How long before the war broke out had you been down on the Holt place? A I was down every Christmas pretty near.
- Q Where did you go when the war broke out? A I went south.
- Q Where did the applicant's mother and her go? A I don't know sir.
- Q Next time you saw them after you saw them at the Holt place was on Cedar Creek? A Yes sir.
- Q And that was sometime in the spring of '67? A Yes sir.
- Q Were they living with them on Cedar Creek? A Living where they are living now.
- Q Anyone living around there? A Yes, sir, family living there, and

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Cherokee Freedmen D 910.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nellie Foster for the enrollment of herself and her minor daughter, Annie Foster, as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on June 27, 1901, Nellie Foster appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and her minor child, Annie Foster, as Cherokee Freedmen. Copies of the testimony in the case of Tom Foster, Cherokee Freedmen #1061, and of the testimony taken at Nowata, Indian Territory, on June 25, 1901, in the case of Rebecca Webber, Cherokee Freedmen D 853, are made a part of the record in this case.

The evidence in this case shows that the applicant, Nellie Foster (nee Curry), was born since 1866; that she is a descendant of Rebecca Webber and has no rights to enrollment, except such as she may have derived through her. The Commission has found in the case of said Rebecca Webber that the latter went out of the Cherokee Nation during the rebellion and did not return thereto prior to February 11, 1867.

The evidence further shows that the said Annie Foster, was born since 1866; that she is a descendant of the said Nellie Foster and her husband, Tom Foster; that Tom Foster is identified on the 1880 authenticated Cherokee roll as a Cherokee Freedman; and that he has always resided in the Cherokee Nation.

It is considered that the said Annie Foster has resided in the Cherokee Nation since her birth.

It is, therefore, the opinion of this Commission that the application for the enrollment of Nellie Foster as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1906 (34 Stats., 496); and that Annie Foster should be enrolled as a Cherokee Freedman, in accordance with the provisions of said section twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tamc Bixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Brockinridge.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this Jul 23 1904

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Nellie
Foster
for enrollment as a Cherokee Freedman.

No. F. D. 910
Henry Pack, of lawful age, being duly sworn on
oath states that on the 21st day of September, A. D., 1901, he registered
to Nellie Foster whose postoffice is Newata
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 28th day of September, 1901, he received the return
card which is hereto attached, signed by the said Nellie Foster, showing
that he had received said notice.

Subscribed and sworn to before me on this the 28th day of Sept, A. D. 1901.

Henry Pack
J. C. Starr
Notary Public.

72910

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Nellie Foster
for enrollment as Cherokee Freedmen:

Case No. F. D. 910

To Nellie Foster Nowata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 26th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. M. Hastings
J. S. Davnport
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Nellie Foster,
Nowata, I. T.
Cherokee F-B-910
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
B 910.

Muskogee, Indian Territory, August 24, 1903.

Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are requested to advise the Cherokee Enrollment Division whether Annie Foster is identified on any of the authenticated tribal rolls of the Creek Nation and whether application has been made to the Commission for her enrollment as a citizen of the Creek Nation. The said Annie Foster was seven years old at the date of her application in 1901, for enrollment as a Cherokee Freedman. She is the daughter of Tom or Thomas Foster and Nellie Foster.

In your letter of November 26, 1902, to this Division, you stated that no application for the enrollment of "Thomas Foster" as a citizen of the Creek Nation had been made to the Commission up to that date; but that "Thomas Foster" was identified on the 1890 and 1895 Creek Tribal Rolls.

Respectfully,

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

9.8.13
REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, August 26, 1903.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division,

Gentlemen:

The Commission is in receipt of your letter of August 24, in which you request to be advised whether Annie Foster is identified on any of the tribal rolls of the Creek Nation, and whether application has been made to the Commission for her enrollment as a citizen of the Creek Nation. It is stated that said Annie Foster was seven years old at the date of her application in 1901 for enrollment as a Cherokee freedman, and that she is the daughter of ~~Tom~~ (of Thomas) Foster and Nellie Foster.

In reply, you are advised that Annie Foster, daughter of ~~Tom~~ (of Thomas) Foster and Nellie Foster, is not identified on any of the tribal rolls of the Creek Nation in the possession of the Commission, nor has application been made for her enrollment as a citizen of the Creek Nation.

Respectfully,


Chairman.

Copy

Cherokee Freedmen
B 910

Muskogee, Indian Territory, August 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nellie Foster for the enrollment of herself and her minor child, Annie Foster, as Cherokee freedmen, including the Commission's decision dated July 23, 1904, rejecting her application as to herself, and granting her application for the enrollment of her said minor child.

Respectfully,

Tam. D. D.

Encl. V-6

Chairman.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D 910

Muskegee, Indian Territory, August 19, 1904.

Nellie Foster,
Nowata, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Annie Foster, as Cherokee freedmen, together with a copy of the commission's decision dated July 23, 1904, rejecting your application for the enrollment of yourself, and granting your application for the enrollment of your said minor child.

The decision with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the commission is informed of the same.

Respectfully,

Tame Dixby.

Commissioner in Charge.

Chairman

Encl. V-8

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON. September 22, 1904.

Land

57609-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 18, 1904, transmitting the record of the application for enrollment as Cherokee freedman by Nellie Foster for herself and her minor child, Annie Foster.

July 23, 1904, the Commission decided adversely to the applicant, Nellie Foster and favorably to Annie Foster.

The evidence shows that the principal applicant, Nellie Foster, was born since 1866; that she is a descendant of Rebecca Webber and has no right to enrollment except such as she may have derived through her; that the said Rebecca Webber went out of the Cherokee Nation during the war of the rebellion and did not return thereto prior to February 11, 1867.

The evidence further shows that the minor applicant, is the child of the principal applicant and her husband, Tom Foster; that Tom Foster is identified on the 1880 authenticated Cherokee roll as a Cherokee freedman, and that he has always resided in the Cherokee Nation. The name of Nellie Foster is identified on the Kern-Clifton and Wallace rolls, but is not found on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to Nellie Foster and favorable to Annie Foster is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

W. C. F.
PHE

DEPARTMENT OF THE INTERIOR,

D. C. 38504-1904

WASHINGTON. October 5, 1904.

I. T. D. 7682-1904.

Y.P.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 18, 1904, you transmitted the record in the matter of the application of Nellie Foster for the enrollment of herself and her minor child, Annie Foster, as Cherokee freedmen, including your decision of July 23, 1904, rejecting said application for the enrollment of Nellie Foster, and granting said application for the enrollment of Annie Foster.

Reporting in the matter September 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Tracy Ryan

1 inclosure.

Acting Secretary.

COMMISSIONERS:
TAMM BENT,
THOMAS B. WHEELER,
C. E. BRIDGEMAN,
WM. C. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPIED IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-910

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1904.

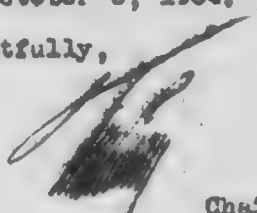
Nellie Foster,

Nowata, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of yourself, and granting the application for the enrollment of your minor child, Annie Foster, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 5, 1904.

Respectfully,



Chairman.

Cherokee Freedman,
R 775

Muskogee, Indian Territory, August 25, 1904.

J. A. Tellotson,

Nowata, Indian Territory.

Dear Sir:

In reply to your letter of August 21, you are advised that the decision of the Commission to the Five Civilized Tribes, rejecting the application of Nellie Foster for enrollment as a Cherokee Freedman was affirmed by the Secretary of the Interior, October 5, 1904.

Respectfully,

H.J.C.

Acting Commissioner.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Refused

Mrs. Nellie Foster,



Muskogee, Indian Territory.



Box No 73

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

RETURNED TO WRITER.

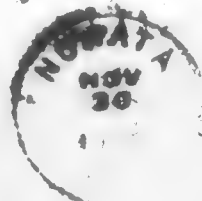
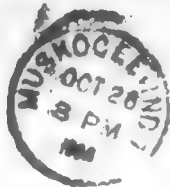
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General Office

Cherokee Freed

Nellie Foster,

~~Nowata,~~ ~~Indian Territory.~~



Cher. Fr. R 116

Cher. Fr. R 116

Trans. from Cher F.D. 912

that she and her husband were slaves to the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She says that James Daniels, her son, is the father of Martha, her wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1820, and by reason of the protest of the Cherokee Nation the said White Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful claim. She will be notified by mail of the final decision of the Commission.

Commissioner, being sworn, states that he has read the Commission to the Five Civilized Tribes and that he has made a copy of the same in the original transcript of the same and that same is a true and complete transcript of the original transcript.

Subscribed and sworn to before me this November 21, 1901.

File with C. F. D-912, Nancy Claggett.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28, 1901.

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Melletta & Smith, for applicants.

Messrs. Hastings and Davenport for Cherokee Nation.

- Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Takes paper to Commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that one's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand child here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of 1880? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Batie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Wynn.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir, He can't come over to enroll him around on a chair.
Q Do you want to enroll him? A Yes, sir.
THE COMMISSIONER:
Q Mrs. Daniels, how many children have you older than your child Frankie for whom you apply? A I have got ten, Frankie is the baby, I got three that is older than he is on the rolls.
Q How many children have you over 21 years of age? A I have not got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or longer.
Q Have you got a farm there? A I have had it before, but haven't got it no.
Q Where is Nancy living? A She is living over in California Creek.
Q What is her husband's name? A John Claggett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Ibelle Daniels et al 2

Q Where was Nancy born? A She was born down here at Gibson after the war.

Q How old is you now, where was she born? A On Caney.

Q How many children did you have at the close of the war?

A Didn't have but the three.

Q What were their names? A Jim, Millie and Charley.

Q What has become of Jim and Millie? A They are dead.

Q What is your husband's name? A Andy Daniels.

Q When were you and Andy married? A Married long before the war.

Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.

Q Were you a slave before the war? A Yes, sir.

Q Who did you belong to? A Thomas Carey and his wife.

Q Were they citizens of the Cherokee Nation? A Yes, sir.

Q Where did they live before the war? A Lived right on Grand river.

Q Where were you living at the time the war come up?

A Living on Grand river.

Q Were you taken out of the Cherokee Nation during the war?

A Taken down to Fort Smith, my old boss took me down there and hired me out to work.

Q When did you return to the Cherokee Nation after the war?

A I come back after Abraham Lincoln got killed; come back to Gibson.

Q How do you know that? A They all said so.

Q Who did you come back with? A I come back with Government troops.

Q Who was with you when you come back? A There was a whole lot of Cherokees and Creeks.

Q Did you have any children at that time? A I had three.

Q Did you bring them back with you? A Yes, sir.

Q Where was your husband? A I could not tell you, he was in the army then.

Q How long a time you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.

Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.

Q And where have you been living since you moved to Caney? A I ain't been living at no other place.

Q This child, Frankie, you apply for is that a boy or girl? A Boy.

Q Does Frankie live with you? A Yes, sir.

Q Has he ever lived anywhere except the Cherokee Nation?

A No, sir, never did.

BY MR. HASTINGS:

Q What is the reason your husband isn't here? A He is paralysed and could not walk.

Q Not able to come? A No, sir.

BY MR. HASTINGS:

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.

Q How far below Fort Smith were you when you got with the troops?

A Right in Fort Smith.

Q Right in the town? A Yes, sir.

Q And you come back up from there to Fort Gibson? A Yes, sir.

Q Now, with whom did you live when you came up to Fort Gibson?

A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.

Q Now, where did Sallie Bacon live? A Lived right in the bottom.

Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.

Q What family did Sallie Bacon have at that time? A No one but her daughter.

Isabel Daniels et al 3

Q What was her daughter's name? A Named Polly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I came there in the fall.
Q In the fall of '65? A Yes, sir.
Q What time did you leave there? A I left there in the spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes, sir.
Q You and him continued to reside there ever since have you? A Yes, sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half? A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were you neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy? A Yes, sir.
Q And you continued to live together? A Yes, sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney? A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born? A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Esieline back from Fort Smith with you? A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon, did you have any children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COM' R NEEDLES:

Q You say you didn't see Andy for about a year, did you go to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.

Q He came there about a year after you did? A Yes, sir.

Q He been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you he stayed down there a year.

Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.

Q Was Andy there with you all the time? A Yes, sir.

Q And now and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charles, and of Mary and of Emeline and stated that Emeline and James were dead? A Yes, sir.

Q Now, these children whose names I have just called are not all of your children? A Yes sir.

Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.

Q Is Josephine still Daniels? A Yes, sir.

Q Where is she? A She is at home.

Q Living with you? A Yes, sir.

Q When was she born? A Living in Caney.

Q Was she always lived with you? A Yes, sir.

Q Well, now, you spoke of Thomas awhile ago? A Well, he is with me too.

Q Is he married or single? A No, sir, single.

Q Is he your child? A Yes, sir.

Q Well, was there any others, how about Freeman? A He is dead.

Q Now about Lucinda? A Lucinda is my daughter.

Q Is her name still Lucinda? A Yes, sir, she is married.

Q Is she living with you? A Yes, sir; Lewis; Jon's isn't married.

Q Where does Lewis live? A He lives with me.

Q Where was he born? A Caney, Cherokee Nation.

Q Has he lived anywhere else except the Cherokee Nation? A No, sir.

Q Where does Jon's live? A Cherokee Nation.

Q Now about Martha Ann? A She isn't never lived n. where else either.

Q Who was the mother of Martha Ann? A She was a Gaskin.

Q Who was the father? A My son Jim.

Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.

Q How old is she? A 12 years old.

Q The father is dead? A Yes, sir.

Q The mother is dead? A Yes, sir.

BY COURT REPORTER:

Q What is the father's name now of Martha? A Jim.

Q Well, who is the mother? A The mother is dead, she is a Gaskin.

Q Is she a citizen? A No, sir.

Q Has James and the mother of this Martha ever married?

A Yes, sir.

Q What was her name? A Ellen Gaskin.

Q She was a non-citizen was she? A Yes, sir.

Q Well, when they were married? A Yes, sir.

Q How do you know that? A The preacher said so.

Q Did you see them married? A I didn't see them married.

Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you call up here know about this

Ibbie Daniels et al 5

marriage of your son? A Lewis Daniels I guess know it.

Q Where were they married? A On Caney.

Q How long did they live together? A About eight or nine years.

Q Did they live together as man and wife? A Yes, sir.

Q In the house where you were living? A Yes, sir.

Q Did he ever have any other wife? A No, sir, not as I know of.

Q Did she ever have any other husband? A Not as I know of.

Q Did the people in the community call them husband and wife, regard them as husband and wife and receive them as husband and wife? A Yes, sir.

IN THE WITNESS OF:

Q Did she have any children before she married him? A No, sir.

Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and a half before you moved up to Caney? A Yes, Well, I did.

Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.

Q How long had you been at Fort Gibson until your husband come, or did he come first? A He came after he was mustered out and I don't know when he was mustered out.

Q If want to know how long that was after he came up there? A Little over a month.

L. D. DANIELS, being first duly sworn by Commissioner T. J. Needles, testified as follows: BY THE COURT:

Q State your name? A L. D. Daniels.

Q Where do you live? A Claremore.

Q How old are you? A 56.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Are you a Freedman of the Cherokee Nation? A Yes, sir.

Q Recognized citizen? A Yes, sir.

Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.

Q How long have you known her? A I have known her ever since 1865.

Q Did you see her in 1865? A I seen her sir.

Q Where? A Fort Gibson.

Q What time in '65? A It was in the fall.

Q State the circumstances of your seeing her? A Well, there was wagons come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.

Q How long did she remain in that settlement, do you know? A Well, she remained there I guess a year or such a matter.

Q You don't know exactly how long she stayed? A No, because sometimes I could see her sometimes twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to draw rations I would see her there.

Q Do you know where she lives now? A Yes, sir.

Q Where? A Over on Caney four miles above Bartlesville, north.

Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.

Q Do you know her children? A Well, she had three at Fort Gibson, two girls and a boy.

Q She had three you say? A Yes, sir, three.

Q Do you know how many she has had since that time? A She has got a house full now, I haven't been to her house since '85 I was over there then and there was five I know was down with the chills then in '85.

Q You don't know how many there was that didn't have the chills? A No, sir, there was a good many running around there.

Q Did you know Andy, her husband? A Andy Daniels, Yes sir.

Q Do you know whether Andy was out of the Cherokee Nation during

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- the war? A Yes, sir, he belonged to the Second Regiment.
- Q Do you know when he came back? A He came back to Gibson after that, he came there and met this woman down there, I don't know whether it was in '67 or the latter part of '67.
- Q Do you know when Andy was mustered out? A No.
- Q Do you know of your own personal knowledge when he came back to the Cherokee Nation? A No, because I was living in Gibson and he wasn't mustered out there and I could not tell you what time; he hit the other part of the Cherokee Nation.
- Q Was he a slave? A I didn't know the former owners at all.
- Q You didn't get acquainted with her until '65? A Yes, sir, not until to Gibson.
- BY MR. HASTINGS:
- Q When did you first see Andy Daniels after the war? A I think it was in '67 or either latter part of '66 when he came to Gibson.
- Q And that is the time you seen him in Gibson after the war? A Yes, sir, I seen him in the army.
- Q With whom was this woman living down there when you know her first after the war? A She came there every time she would come to get rations and would come with Isaac Grapo's wife.
- Q What was her name? A I don't know, claimed to be her mother.
- Q Claimed to be whose mother? A This woman's mother.
- Q You don't know whose house she stayed? A She stayed at her own house on the old lake, about a mile from Houston Mingo's.
- Q You saw her three children at that time? A Yes, sir, and I saw and her children there too.
- Q What were the names of these children you saw at that time? A I don't know, it was strange to see a Cherokee with a little white child and she had a white child at that time.
- Q Well do you know that she continued to reside around there at that time? A She stayed around there four or five months to my knowledge.
- Q You would see her about when she come and get her feet under the table to get rations? A She come to the old house the people applied to get the rations.
- Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around there four or five months.
- Q To be positive about that? A Yes, sir.

Remainder of application taken by stenographer, Chas. von Weise.

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J.O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O. Rossen.

Subscribed and sworn to before me this 12th day of July, 1901.

(signed) T.B. Needles,
Commissioner.

Continued from Stenographer, J.O. Rossen. . . .
Nowata, I. T., June 25th, 1901.
.....

In the matter of the application of Ebbie Daniels et al.

PASTOR WILLIAMS called and sworn by Commissioner T.B. Needles testified as follows:

By Mr. Smith, of counsel for applicant:-

- Q What is your name? A Pastor Williams.
- Q Do you know this applicant, Ebbie Daniels? A Yes, sir, slightly acquainted with her for 25 years.
- Q Do you know where she lives? A Yes sir.

- Q Do you know her children? A No sir.
 Q Where has she been living since you knew her? A On Caney.
 Q Do you know who her owners were during the war? A Yes sir, Walker Perry, she said it was, I knowed some of them on Grand River.
 Q Did you know her before the war? A No sir.
 Q Did you know her during the war? A No sir.
 Q You dont know anything about her citizenship? A No sir, not personally.

By Mr. Hastings, Cherokee representative:

- Q Did you see her in '66? A Just about 25 years ago.
 By Mr. Hastings of the applicants:
 Q How far do you live from John Parker? A I dont know.
 Q Do you know him? A Yes sir.
 Q But you dont know how far you live from him? A No sir.
 Q When did you see W.T. Foreman first after the war? A At Fort Gibson.
 Q When was that? A I dont know.
 Q Before you left there? A Yes sir.
 Q Was your husband there then? A No sir he was in the army.
 Q What time of the year was it? A Cold weather, I dont know the month.
 Q And you dont know the year? A No sir.
 Q At what place was it? A Right in town where I was hired out.
 Q At whose house? A I dont know, I dont remember the name.
 Q You remember seeing this man though? A Yes sir.

William Foreman, called and sworn as a witness for the applicants:-

By MR. SMITH:-

- Q What is your name? A William Foreman.
 Q What is your post-office address? A Wagoner.
 Q What is your age? A 64 years.
 Q Are you an Indian? A Yes sir.
 Q A Cherokee Indian? A Yes sir.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Do you know this applicant, Ethie Daniels? A Yes sir.
 Q Did you know her before the war? A Yes sir.
 Q Was she a slave? A Yes sir.
 Q Who did she belong to? A Thomas Caray.
 Q Was he a citizen of the Cherokee Nation? A Yes sir, by adoption his first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Muskrat.
 Q Both his wives were Cherokees? A Yes sir.
 Q Was he recognized as a Cherokee citizen by the Cherokee Nation? A Yes sir.
 Q How far did they live from you at the time of the war? A I was living 30 miles north of their place when the war commenced.
 Q He was here when the war commenced? A Yes sir in Delaware district Cherokee Nation at Carrey's Prairie.
 Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I dont.
 Q When did you first see her after the war in the Cherokee Nation? A At Vinita before the Wallace court.
 Q Did you testify for her there? A I might have, I dont recollect, I think I did as to her owners.
 Q Did you know her husband? A Yes sir.
 Q Was his name Andy? A Yes sir.
 Q Was he a slave? A Yes sir.
 Q Who did he belong to? A Zeek Daniels.
 Q Was Zeek Daniels a Cherokee citizen? A Yes sir.
 Q Do you know if he was taken out of the Cherokee Nation during the Civil war? A I cant tell, of my own knowledge.

Q When did you first see Andy back here after the war? A At Vinita before the Wallace court.

POLLY WIVINS, called and sworn as a witness for the applicant-
By Mr. Smith:

Q What is your name? A Polly Wivins.

Q How old are you? A 56

Q Do you know this applicant here? A Yes sir.

Q When did you first get acquainted with her? A Just after peace was made I met her.

Q You didn't know her before the war? A No sir.

Q You don't know who she belonged to? A No sir.

Q Where did you first see her after the war? A At Fort Gibson.

Q How long after peace was declared? A In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.

Q How long did she stay around there? A I guess she staid there a little over a year, I seed her around there about that long.

Q Did you know her after that when she went up on Caney to live?
A No sir.

Q Never have been at her house on Caney? A No sir.

By Testings-

Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was hers though.

Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.

Q What name did she go by then? A Carrye.

Q Was she married then? A I don't know; she said when she came there that her husband was in the army.

Q How long after that before you saw her husband? A I don't remember, didn't pay no attention to him, no I didn't.

Q You don't remember him? A Yes sir, but I don't know how long after that that I seed him.

Q How many children did she have there? A Only that white one.

Q What was that a girl or a boy? A Girl.

Q Do you know Sallie Bacon? A Yes sir that is my grandmother.

Q Did she live in town? A She lived at the lake, this side of Connan Vann's.

Q And this woman lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for warther? A Yes sir.

Q Did you draw your strip money? A No sir.

Applicant not found on the Authenticated roll of 1880.

Applicant not found on the Census roll of 1896.

Applicant not found on the Kern Clifton roll.

Wallace roll examined and the name of applicants found as follows-

Page 111 No. 2360 Andrew Daniels, Cherokee Nation.

Page 111 No. 2361 Ebbie Daniels

Kern Clifton roll examined and the name of applicants child found as follows-

Page 124 No. 3083, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have your name put on the 1880 roll? A Yes sir.

Q Where did you apply? A At Claremore.

Q That was when they was around taking the census? A Yes sir.

Q You never went to Tahlequah to have it done? A No sir.

Q Did your husband? A No sir.

Q You didn't get your strip money for yourself or husband? A No sir only for the children, me and the old man and Lewis was left out.

Q Is Martha living? A Yes sir.

Kern Clifton roll examined and the applicants child Martha identified as follows-
Page 124 No. 4084 Martha Daniels, Delaware district.

By Com'r Needles-

Fbbie Daniels applies for herself, her husband Andy one son Frank, and for a grand daughter Martha, 12 years of age. The said Fbbie and Andy Daniels are not identified on any roll except the Wallace roll; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She avers that she and her husband were slaves in the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Fbbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

Chas. vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed) Chas. vonWeise.
Subscribed and sworn to before me this 6th of July, 1901.

(signed) T. B. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete ~~transcript~~ copy of the original transcript.

M. D. Green
Subscribed and sworn to before me this November 21, 1901.

[Signature]
COMMISSIONER

Notary Public.

and him and his darbies went together, and he
 left the station. A few days later, when he
 - 6 Did he take her out with him?
 you were telling to him? A few days
 6 He had sold her then somewhere
 6 Did he say who he sold her to?
 sold this woman, as he refused to
 6 Was it on that trip, or was it
 6 It was in the summer when he was

6

File with John Claggett et al C.F.D. 912

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 2d, 1901.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. F. D. 9550

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicants.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Joe B. Parker.
- Q How old are you? A I don't know exactly, between 53 and 4.
- Q What is your post office? A Weldon.
(By Hastings)
- Q How far do you live from the town of Dewey? A About 7 miles north.
- Q Do you know a colored man in the vicinity named Andrew Daniels? A
- A Yes sir.
- Q Do you know his wife? A No sir, I don't.
- Q Do you know her name? A No sir, I don't.
- Q Is this man an old like man, middle age or young man? A Old like.
- Q Has he a family? A Yes sir.
- Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
- Q How long has he been living out in that vicinity? A Ever since the ~~Delawares came there~~ Delaware came there.
- Q What year did the Delawares come there? A In '68.
- Q Do you belong to the Delaware tribe? A Yes sir.
- Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
- Q How long did you know him in Kansas? A About a year.
- Q Did you come here with the Delawares? A No sir, there was a few families come first; the first ones that started they stopped here on Grand River, and I come with them, we stopped with the Wyandotts first and then come on.
- Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January '68.
- Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
- Q Did he come with you? A No sir.
- Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
- Q Where? A Up there on Caney.
- Q In the Cherokee Nation? A Yes sir.
- Q State how you come to see him? A I and another boy got on our horses and went visiting and we run on to the camps there on Caney and saw him.
- Q Whose camps? A The Delawares camps.
- Q How far was that from where this Andrew Daniels is now living? A
- A About three miles below.
- Q In the same neighborhood then? A Yes sir.
- Q Have you known him ever since? A Yes sir.
- (By Smith)
- Q How old were you when you come to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
- Q Well, about how old were you? A Must have been about twenty.
- Q Were you grown? A Yes sir.
- Q Married or single? A Married.

Q Where did you come from the the Cherokee Nation? A Kansas.

Q Near what place in Kansas, now? A We used to live 2 or 3 miles north east of Lawrence.

Q You didn't come here when the regular band of Delawarees came? A No sir we came before and stopped at the Wyandotte reservation and staid all winter.

Q You stated that you knew Andrew Daniels in Kansas? A Yes sir.

Q Can you give the year that you knew him in Kansas? A It must have been about '65 we was working in the hay field when I saw him first.

Q Did you ever see him any more after '65? A Yes sir.

Q Where? A He was working not far from where I lived, working for old man Sarcouxie.

Q How long after that before you next saw him? A Must have been about a year.

Q How long had it been since you saw him before you came here? A I don't know exactly.

Q A year or two? A Yes sir, about a year or such a matter.

Q You don't know where he was during that time? A No sir.

Q All you know is that after you got here in the Cherokee Nation you say in '88 this same man? A Yes sir.

Q Did he have a wife? A I don't know.

Q If he had you don't know her name? A No sir.

Q Don't know any of his children? A No sir.

(By Hastings)

Q Did you know this man in Kansas? A Yes sir.

Q Where was he when you left up there about the first of '68? A I cant tell that I don't know where he was then.

Q Had you seen him there before that? A Yes sir.

Q Where had you seen him? A He was working for old man Sarcouxie.

Q How long before you left there had you seen him? A I dont remember that

Q Have you no knowledge as to about how long you saw him in Kansas before you left there and come down here? A No sir I dont know.

Q You have no judgment as to whether it was a short time or a long time? A No sir.

(By the Commission)

Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.

Q Soon after the close of the war? A Yes sir.

Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.

Q Where did he live with reference to your home from that time until the first of January 1888? A I don't know.

Q You don't know if he continued to live there in that neighborhood or not? A No sir.

Q Have you any distinct recollection of meeting him from '65 until you left in 1888? A No sir I never paid any attention to the fellow; the way I got acquainted with him was in the hay field in '65 or '6.

Q Have you any recollection of seeing him from that time until '68? A No sir.

Q If he was living in your neighborhood then you dont recollect it? A No sir.

(Continued by stenographer Bruce C. Jones)

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Chas. von Weiss, being duly sworn, states that as stenographer to the Commission to the five Civilized tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 7th of October, 1901.

Commissioner.

- Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Breckinridge, testified as follows; through Joe B. Parker, interpreter:

Q Give me your full name please? A John Young.

Q How old are you? A About 56.

Q What is your postoffice? A Weldon.

Q Are you a native of the Cherokee Nation? A Yes, sir.

Q Are you a Cherokee Indian? A Yes, sir.

Q What are you, a Delaware? A A Delaware.

Mr. Hastings: How far do you live from the town of Dewey? A About six miles.

Q What direction? A A little bit northwest.

Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.

Q Do you know his wife? A Yes, I have seen his wife.

Q Do you know her name? A No, I don't know her name.

Q How long have you known Andrew Daniels? A About a year before I left Kansas.

Q When did you come from Kansas? A I don't know, it has been about 35 years ago.

Q Did you come with the Delawares when they came to this country? A Yes.

Q You don't remember the year that the Delawares came here? A No.

Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.

Q What were you doing up there in Kansas? A I was making some ties there on the railroad.

Q How far was that from where you lived? A About half a mile from where I lived.

Q Do you know what time of the year you left up there? A Left there in the spring.

Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.

Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.

Q What camp? A A little west of Lawrence.

Q Kansas? A Yes, sir.

Q Then what became of Andrew Daniels? A He came down with them.

Q Came down with the Delawares? A Yes, sir.

Q Where did he come to? A Here on Caney, Cherokee Nation.

Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.

Q That is Andrew Daniels? A Yes.

Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.

Q When he came back did he have his family? A Yes, he had his family.

Q Well, have you known him here then ever since? A Yes.

Q Well, he has a wife and some children, has he? A Yes.

Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '87.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning; when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q Did that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you know anything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Widow Pecheroki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed on before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Commissioner: When did you first know Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first movement of the Delawares or the second time? A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometime along in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He worked pretty near all winter

right close to where I lived making ties.

Q That was the winter before you came down to the Cherokee Nation?

A The winter before.

Q The winter before that? A Yes.

Q Let's understand that; you came down here along in June?

A Yes, sir.

Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.

Q The second winter before you came? A Yes.

Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?

A Never saw nothing more of him till I saw him on the road with the Delawares.

Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Pochawoki hired him to drive a team.

Q He was driving the old woman's team, was he? A Yes, sir.

Q He seemed then to be coming along as a hired man? A Yes, sir.

Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.

Q Does he live in your neighborhood now? A Yes, right close to Dewey.

Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name, please? A My full name, Edmund Duncan Carey.

Q How old are you, Mr. Carey? A Going on 70.

Q What is your postoffice? A Grove.

Mr. Hastings: Well now what was your father's name? A Thomas Carey.

Q Where did your father live before the war? A He lived right on the east bank of Grand River at Carey's Ferry, it was known, about half a mile from the ferry.

Q Near where you live now? A Right ~~was~~ where I live now.

Q Was he a Cherokee citizen? A Yes, sir.

Q You are a recognized citizen of the Cherokee Nation by blood?

A Yes, sir.

Q What was your mother's name? A Jane Carey.

Q Was your mother living when the war came up? A No, sir.

Q Was your father? A Yes, sir.

Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.

Q When did you leave home; I mean with reference to the war? A I left in '63, July, sometime in July.

A Joined the army? A Yes, sir.

Q Was your father at home then? A No, he moved across into Missouri just about the time I left.

Q Where was this slave, Abbie? A She was with my father.

Q In Missouri? A Yes, sir.

Q He took her off with him? A Yes, sir.

Q When did you last see your father? A '63, sometime in June.

Q Is your father living or dead at this time? A He is dead.

Q When did he die? A Well, I can't tell you just exactly, about 20 years ago, or 15.

Q Directly after the war? A Just after the war two or three years.

Q How often you saw your father - I believe you said in June?

A Sometime in June.

Q In June of '63, did he have this colored woman, Abbie, with him?

A No, sir.

Q Where did you see your father? A Fort Smith.

- Q Did he have any colored people with him? A No, sir.
- Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
- Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
- Q Did he go as you went along? A Yes, sir.
- Q Along as you went? A Yes, sir.
- Q He didn't have any colored people with him? A None at all.
- Q Who had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.
- Q When did he tell you that? A Well, when I first met him in Fort Smith.
- Q In June of '63? A Yes, sir.
- Q And you saw her no more? A Never saw her any more, never saw her yet..
- Q You have never seen her since the war? A No; if I have I haven't knowed her.
- Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
- Q Well, did you know Daniels first name before the war? A Andy.
- Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
- Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
- Q Your father had no control over Andy? A None at all.
- Q Was there any other Thomas Carey, who lived over there on Grand Giver, before the war? A No, sir.
- Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewheres about thirty.
- Q Married or single? A Married.
- Q Where were you living? A I was living right on the river bank at the ferry.
- Q How far from your father's? A About half a mile or more.
- Q What date did you leave there, you speak of going away? A I went away in July sometime.
- Q What year? A '62.
- Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
- Q He left before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
- Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
- Q That was in July, '62, was it? A Yes, sir.
- Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
- Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
- Q About a year? A Pretty near a year, it wasn't quite.
- Q Are you sure it was '63? A Yes, I am pretty sure it was '63.
- Q Are you quite certain about it? A Yes, sir.
- Q You couldn't be mistaken? A No, sir, don't think I could.
- Q Now what was your father doing in Fort Smith? A He moved down there he said.
- Q Had moved to Fort Smith; was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
- Q You see any other members of your father's family there? A No, sir.
- Q How long had your father been in Fort Smith at the time you saw him? A He has been there a week or two.
- Q That was June, 1863? A June, 1863, as well as I recollect.
- Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or two of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and him and his darkeys went together, and me, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from June of '83, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

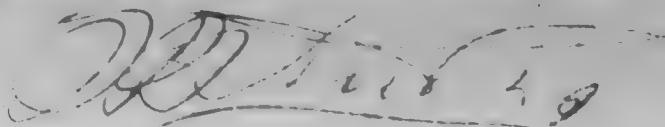
Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1898, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al; and also in Cherokee Freedman Doubtful cases D-912, D-913, D-931, D-962, D-963, and D-971.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.



Commissioner.

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the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission.

14
The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of said Court is denied.

The undersigned, duly sworn, states that in accordance with the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of June, 1902.

(SEAL)

(Signed) P. C. Renter,
Notary Public.

Free, D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Waskogie, T. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Claggett, D 712;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

~~In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file~~
in the Court of Claims to the counsel of the Cherokee Nation if it
is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants; on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

E. C. Bagwell
Notary Public.

P. T. T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Daniels, et al., as Cherokee Freedmen, consolidating the applications of--

Andrew Daniels, et al.,	Cherokee Freedmen	D 497
Nancy Claggett, et al.,	"	D 519
Lucinda Daniels, et al.,	"	D 525
Thomas Daniels, et al.,	"	D 541
Louis Daniels, et al.,	"	D 542
Charles Daniels et al.,	"	D 543
James Daniels et al.,	"	D 571

DECISION.

The record herein shows that on June 26, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabella, Mariah, Alexander, Nancy J., and Jessie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Louis Daniels for himself; by Charles Daniels for himself; and by James Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1863. It further appears that all the applicants, other than those named in this paragraph, are the descendants of said Ibbie Daniels and were born since 1863.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Louis Daniels and James Daniels have resided in said Nation all their lives. It is considered that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1900.

Section twenty-five of the Act of Congress, approved July 1, 1900 (32 Stat., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett Willie Claggett, Elizabeth Claggett, Isabella Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Jennie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephine Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Hixby,
Chairman.

- T. B. Needles,
Commissioner.
- C. R. Breckinridge,
Commissioner.
- W. A. Stanley,
Commissioner.

Muskogee, Indian Territory,

this March 9, 1904.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—88,
Ella Vann,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—100,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—110,
Ella Mayfield,	Cherokee Freedmen D—124,
Sattie Bider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—190,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bead,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Chiggott,	Cherokee Freedmen D—308,
Amanda Martin,	Cherokee Freedmen D—304,
Ella Martin,	Cherokee Freedmen D—327,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maudie Matley,	Cherokee Freedmen D—353,

Benjamin Claborn
 Emily Loney
 John Claborn
 Matilda Claborn
 Betsey Vann
 Nelson Loney
 Fannie Loney
 William Washington
 Squire Warren Owen
 Fannie Goldsby
 Susan Daniel
 Atterborth Claborn
 David Loney
 Feltz McClain
 Henderson Jones
 Belle Vann
 Levi Stroud
 John Sumpter
 Mariah Thompson
 Ellen Sheppard
 Lula Melton

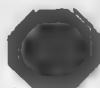
Cherokee Freedmen No. 129
 Cherokee Freedmen No. 130
 Cherokee Freedmen No. 131
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 Cherokee Freedmen No. 142
 Cherokee Freedmen No. 143
 Cherokee Freedmen No. 144
 Cherokee Freedmen No. 145
 Cherokee Freedmen No. 146
 Cherokee Freedmen No. 147
 Cherokee Freedmen No. 148
 Cherokee Freedmen No. 149
 Cherokee Freedmen No. 150

DECISION.

It appears from the record that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Charles Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Vann; by Thomas Love for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Miller for his wife, Sallie Miller; by William Campbell for himself; by Van Jackson for himself; by Tobe Middleton for his wife, Sallie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Madder for himself; by Tobias Dean for his wife, Jane Dean; by Ella Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mitty Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard T. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kate Hampton for herself; by Thomas W. Allen for himself; by Louis Vailford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Martha Johnson for her husband, Adam Johnson; by Joseph Tamm for his wife, Martha Tamm; by John Gantt for himself; by Steve Loney for, Nancy Rose; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Stange for her husband, William Stange; by Sam Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kinzie Vann; by Jack Loney for his wife, Fannie Loney; by Lucy Chontam for herself; by Allen Darnet for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Wadner for his wife, Mary Wadner; by Otto Mader for his wife, Frances Martin; by Ed. Mader for his wife, Mary Mader; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ella Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Reed for his wife, Mary Reed; by George E. Nare for his wife, Maggie Nare; by Lewis Armstrong Nare for his wife, Neoma Nare; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by John Santa for his wife, Mattie Santa; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hambley for her husband, George Hambley; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Darnet for himself; by King Davis for his wife, Laura Davis; by John Deckman for himself; by James R. Papp for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Levens Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Anna Thomas; by John McConnell for himself; by John Vann for his wife, Carrie Vann; by Lee Rogers for himself; by Robert Adams for his wife, Lela Adams; by Jack Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Leon Jones; by Lewis Guster for his wife, Alice Guster; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Loney for herself; by Mary Gowan for her husband, John Gowan; by Sallie McNair for his wife, Mattie McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owen for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Reed for himself; by Feltz McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right therein by virtue of their marriage to Freedmen Cherokee citizens.

CORRECTION



The preceding document(s) has been refilmed
to assure legibility and its image appears
immediately hereafter.

Benjamin Clifton
 Emily Looney
 John Gibson
 Matilda Stollery
 Bettie Vann
 Nelson Lett
 Fannie Rogers
 William Washington
 Squire Warren Owens
 Fannie Goldsby
 Susan Daniels
 Anderson Turk
 David Lane
 Feltz McClain
 Henderson Jones
 Belle Vann
 Levi Stroud
 John Sumpter
 Mariah Thompson
 Ellen Sheppard
 Lula Melton

Cherokee Freedmen R-108
 Cherokee Freedmen R-110
 Cherokee Freedmen R-112
 Cherokee Freedmen R-114
 Cherokee Freedmen R-116
 Cherokee Freedmen R-118
 Cherokee Freedmen R-120
 Cherokee Freedmen R-122
 Cherokee Freedmen R-124
 Cherokee Freedmen R-126
 Cherokee Freedmen R-128
 Cherokee Freedmen R-130
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 Cherokee Freedmen R-184
 Cherokee Freedmen R-186
 Cherokee Freedmen R-188
 Cherokee Freedmen R-190
 Cherokee Freedmen R-192
 Cherokee Freedmen R-194
 Cherokee Freedmen R-196
 Cherokee Freedmen R-198
 Cherokee Freedmen R-200

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for her husband, Henry Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Robert Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Carrie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Masley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kettie Thompson for herself; by Thomas B. Scott for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mattie Johnson for her husband, John Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Rose; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Essie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Fannie Looney; by Lucy Chonten for herself; by Alice Darnot for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ella Warren for herself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepaney Dawn for herself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Reed for his wife, Mary Reed; by George E. Nare for his wife, Maggie Nare; by Lewis Armistead Nare for his wife, Neoma Nare; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Conny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lena Sanders; by Mary Hemmick for her husband, George Hemmick; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James E. Papp for himself; by Isaac Welch for himself; by Nancy Legan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lela McClain for herself; by Josh Vann for his wife, Ollie Vann; by Lee Foster for herself; by Robert Adair for his wife, Ella Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Ladd for himself; by Feltz McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 331).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bess, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John B. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Belt Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowles, Marie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Susie Gilbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepheny Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Ives, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Icom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Reuben Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lela Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

8

X 0912

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.
ADMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 27 1901

[Signature]
SPECIAL AGENT IN CHARGE

Murriage Certificate

and free

That John Wiggall of Dublin
co. Dub. & Hannah Daniels
citizens of the U. S. have in
me united in the

Holly. bonds of matrimony
on the Twentieth day
of Aug. in the year of
our Lord One thousand
Eight hundred & Eighty
six

C. D. Fox
Sarah Henry H. H. H.

Rev Daniel H. H. H.

Minister of the
— — — Gospel

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

day of

SEP 18 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of John Claggett
for enrollment as a Cherokee citizen:

Case No. D 912

To John Claggett or Mollette & Smith his Atty's.


You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on ~~xxx~~ Oct. 1st at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

740912

RECEIVED TO THE PRESIDENT
FILED
MAR 24 1902

 **LEWIS CHAIRMAN**
LEWIS CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Claggett,
Nowata, I. T.
Cherokee F-D-912
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

22

82 212

Chief Justice of
Supreme Court has
one nation that
Indians cannot
confer citizenship
right by intermarriage

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 27 1901

[Signature]

>

"Tuesday Morning, June 20, 1871."

"Court convened--Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah

"Lee Cooper,

"Henry Bird,

"William Madden,

"Alonzo Cullen,

"Solomon Foster, Illinois

"William Hudson,

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks

Executive Secretary of Cherokee Nation.

NOTE:--"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

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1901

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11 11

Commonwealth Dist. of

Cherokee Nation S. C. To all whom it may concern.
Know ye.

That I John V. Carey, Clerk of the aforesaid
Dist. do this day by virtue of the authority on me vested
by law issue a License of Marriage to one John
Claggett a citizen of the United States to marry one
Nancy Jane Daniels a citizen of the Cherokee Nation.
As the said John Claggett having complied
with the law regulating Intermarriage of white
men ^{and persons} with citizens of the Cherokee Nation,
Now, therefore.

To any of the Judges or clerks of the Cherokee Nation
or any Regularly ordained Minister of the
Gospel of any Evangelical Denomination -
Greeting - You are hereby authorized and em-
powered to solemnize the rites of matrimony
between the said John Claggett and Nancy
Jane Daniels, & you are required to return
this License to this office within thirty days
from the solemnization of such marriage,
together with a certificate ^{of such ceremony} attached on the
back of this License duly signed by you.
Given from my hand and official seal
this 22 day of Aug. 1881

John V. Carey, Clerk
Commonwealth Dist.

1881

I hereby certify that the foregoing is a true
and correct copy as furnished by me.
This I do under oath. J. H. McCall.

100

PAID
COMMISSIONER OF THE LAND OFFICE

FILED
SEP 20 1901

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Stancy Selagayik for en-
rollment as Cherokee Freedmen.

Cher. Cherokee Freedmen # 2919

Moesta S. Church
Attys for applicants

COPY.

Cherokee Freedmen
- 14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kimbo, William S. Hedden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Latham, Bill Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klaspie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

-2-

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lucile P. Powell, Stephen Dean, Malinda Vann, Frances Johnson, Annie Martin, Mary H. Rogers, George Washington Lane, John Brown, Samuel I. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie News, Emma News, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Henderson, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James D. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Knair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Allen Canters, Katie Blair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Gellishy, Susan Daniels, Anderson Park, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Ella Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Fannie Dixby.*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freeman
3-14 et al.

Muskogee, Indian Territory. January 24, 1905.

Bell, Hastings & Javenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, reflecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Maltin, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chaggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maudie Munley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

Chuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Hook,
Ellis Warren, Millie Robinson, Fady Webster, Frances Martin, Mary
Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
Willis Goss, Leonard Bowles, Malinda Murrell, Charles Claggett,
Samuel Irven, Mary Ross, Maggie News, Naomi News, Ella Ross,
Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
Hattie Smith, Jack Jackson, Lula Sanders, George Newkirk, Linnie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Dinkins, James
B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir,
George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou
Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones,
Alice Gwenter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens, Fannie
Goldisby, Susan Daniels, Anderson Turk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Stroud, John Gumpster, Mariah
Thompson, Ellen Shappard and Lula Melton, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

RECEIVED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C.

SIGNED

Tamm Dixby.

ENCL. 1-7.

COPY.

Cherokee Freedman
D-912.

Muskogee, Indian Territory, January 24, 1906.

John Glaggett,

Nowata, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-101.

Register.

(SIGNED)

Tamr Dixby.
Chairman.

COPY.

Cherokee Freedmen
D-205 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,
Attorney for Jane Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Willie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Rattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-142.
Register.

Jame Dixey
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1903.

Refer in reply
to the following:
Land.
7902-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1903, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Betson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kender Lompton, Thomas E. Allen, Lewis Vanderford, John L. Dowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Essie Gilbert, William Stagg, Essie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lany Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley,

Samuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Cloggett, Samuel Irven, Mary Ross, Maggie Hove, Emma Hove, Ella Ross, Elisabeth Duncan, Sadie Adams, Georganna Archer, John Cloggett, Nettie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers Abraham Ballard, Laura David, John Deekman, James R. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isen Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Nelson.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

-2-

name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 2848-1904) in the Lemuel Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

N.W.N.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

UCP.
FHM,

I.T.D. 2904-1905.
D. C. 28877-1905.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John D. teen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kins, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Cloggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann,
Freddie Looney, Lucy Chentom, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvin, Mary
Ross, Maggie Hays, Neoma Hays, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah
Rogers, Abraham Ballard, Laura David, John Deakman, James B.
Perry, Isaac Welch, Lawson Logan, George Howell, Henry McFar,
George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Len
Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones,
Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens, Fannie
Goldaby, Susan Daniels, Anderson Turk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah
Thompson, Ellen Sheppard and Lula Walton.

Reporting in the latter event in, 1934, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

Sam Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-912.

Muskogee, Indian Territory, April 28, 1905.

John Claggett,

Newata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). *Tame Bixby.*
Chairman.

COPY

Cherokee Freedmen

D-912.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for John Claggett,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 12, 1905, rejecting, among others, the application for the enrollment of John Claggett as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *James Bixby*
Chairman.

COPY.

Cherokee Freedmen

N. 44, et al.

Waskagee, Indian Territory, April 22, 1906.

Ball, Hastings & Davisport,

Attorneys for the Cherokee Nation,

Waskagee, Indian Territory.

Gentlemen:

You are hereby advised that the commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY

Cherokee Freedmen

N-14, et al.

Muskogee, Indian Territory, April 20, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

J. Tams Bixby.
Chairman.

Cher. Fr. R 177

Cher. Fr. R 177

Trans. from Cher. F.D. 920

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application for the enrollment of Granville Waite as a Cherokee Freedman.

Appearances:

T. S. Salathiel, attorney for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Lige Waite, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lige Waite.
Q What is your post office address? A Chelsea.
Q You are the Elijah that has just been listed for enrollment?
A Yes, sir.
Q Now you apply for the enrollment of Granville Bell? A Yes, sir.
Q What relation is he to you? A He is my son.
Q How old is he? A I don't know sir.
Q About how old? A He must be 28 or '9 years old.
Q Where is Granville Bell? A He is in jail in Independence, Kansas.
Q Incarcerated in jail so it is impossible for him to be here himself? A Yes, sir.
Q Is he married? A Yes, sir.
Mr. Salathiel: You are the father of Granville Bell? A I am.
Q Who was his mother? A Mary Bell.
Q When did you marry Mary Bell? A Why I don't know just what year it was, it was sometime after the war though, sometime after the war closed.
Q Where were you living? A I was living when I married her?
Q Yes? A Why I wasn't living anywhere particularly, I was just going.
Q At what place though did you marry her? A I married her in Ottawa, Kansas.
Q Did you know her at any other place than Ottawa, Kansas? A Yes, sir.
Q Where? A I knew her in this Nation.
Q When did you first get acquainted with her in the Nation? A I knew her during the war.
Q At what place did you know her during the war? A Dick Goody's.
Q Where is that? A I don't know what direction, but they called it Goody's bluff, in the Cherokee Nation.
Q Do you know whether or not she was a slave? A I don't know that, but I guess she was a slave, said she was a slave.
Q Do you know with whom she lived prior to the war? A Before the war, no, sir.
Q Before the war? A She lived with Mr. Dick Goody.
Q Do you know what his nationality was? A He was a Cherokee, supposed to be, and she was hired to Dick Goody; she belonged to Bell, Mary Bell, belonged to this Mr. Bell, one of his folks, his uncle I think, I will not be positive, I can't give in only just what I have learned, but she told me she belonged to George Bell or one of the Bells and when he died she belonged to his son George, that is what she thought; Mr. Bell there can tell you.
Q Where did Mr. Bell live at that time? A I don't know sir.
Q Where was Granville born? A Born in the Nation.
Q What place? A On Grand River.
Q And what is his age at the present time? A About 28 I guess, and maybe a little older.
Q Now from the time you first became acquainted with your wife, do you know where she lived from that time? A From the time I got acquainted with her here, here in the Nation and in Kansas too.
Q How long in Kansas? A I don't know, not very long, three or

Granville Waite - 2.
four years.

Q When did she return? A She came back here with her uncle,
Spencer.

Q To this country? A Yes, sir, to this country in '66.

Q Where is he? A He is dead.

Commissioner: Spencer who? A Spencer Bell.

Mr. Hastings: Were you along with Spencer Bell? A I was, sir.

Q Where did you first see Mary Waite before the war? A She was
Mary Bell then.

Q She is Mary Waite now isn't she? A Yes, sir, ought to be.

Q Hasn't she applied here? A Yes, sir; not to this court now,
she is dead.

Q Is she dead? A Yes, sir.

Q Where did you first know her before the war? A Born to Mr.
Dick Goody's.

Q Where was he living? A Up here to a place they call Goody's Bluff

Q How long before the war was that? A That was just in time
of the war.

Q That was after you were in the army? A Yes, sir.

Q After you joined the army? A I never joined the army.

Q After you were employed, after the war started up? A Yes, sir.

Q That is the first time you ever saw her? A The first time I
ever saw Mary.

Q How long had the war been going on? A About a year I reckon,
pretty near that.

Q Who were you with? A Some men; I told you that before; I was
with a squad of men foraging.

Q Who were them men? A I don't know; there were a whole lot
of men, several of us together, lots of Indian men and white men,
I don't know the names.

Q Don't know one of them? A No, sir; I believe Jess Shaw
was along, that is the only colored man.

Q He is dead? A Yes, sir; we went out foraging, there is where
I saw her, we went to Mr. Goody's.

Q Was he living there at that time? A Yes, sir.

Q What was his name? A Dick Goody.

Q What was his wife's name? A I don't know what his wife's name
was.

Q How big was Mary at that time? A She was a woman, had a child,
I guess she was a woman.

Q You saw her when you were out there? A No, sir, I don't
think I did.

Q When was the next time you saw Mary? A Well after that I saw
her, I told you that before, down here about these hills somewhere.
Mr. Dick Goody and the men did with and taken her home to where
they hired her from.

Q Where did they hire her from? A Hired her from Mr. Bell.

Q And they were taking her home then? A Yes, sir, taking her
home.

Q Where did you first see her after the war? A Well after the war
I first saw her, I saw her in Kansas.

Q That is the first time you saw her after the war? A Yes, sir.

Q Was that after you had been to Fort Gibson? A Yes, sir, I saw her?

Q Yes; did you see her before or after you had been to Fort
Gibson? A I saw her before I had been to Fort Gibson and after too.

Q Where was she before you had been to Fort Gibson? A Well, she
was then in Kansas.

Q In what town? A In Ottawa.

Q Now there is the only place you saw her before you went to Fort
Gibson? A No, sir, I saw her once before that.

Q What was in Kansas, wasn't it? A Yes, sir, I saw her in Kansas
before I saw her in Ottawa.

Granville Waite - 8.

Q You see her at any place except Kansas before you went to Fort Gibson after the war? A No, sir, I don't think I did.

Q About what time after the war was it you went to Fort Gibson?

A I went down to Fort Gibson in the spring of '66.

Q You helped put up hay that summer? A Yes, sir.

Q You made rails that fall? A Yes, sir.

Q And you stayed there about two or three years? A Oh no I didn't do that.

Q How long did you stay there? A I lived there all winter, all fall and ~~xxxxxxx~~ a part of the fall.

Q Of what year, '66? A '66.

Q Where did you go from there? A I don't know particularly where I did go, I don't know particularly now, I can't tell you where I went to.

Q Well, you will have to give me your best effort of where you went from Fort Gibson? A Let me see, I can't tell you right now, I don't know about it.

Q Did you make rails down there that winter? A I did, that fall, I went back to Kansas.

Q Did you spend that Christmas in Kansas? A I don't know sir whether I did or not.

Q How did you go to Kansas, horseback or wagon? A I went horseback, I made me a pack and I ~~xxxxxxxxxxxxxxxxxxxx~~ rode him up there

Q By the military road? A Well not all the way.

Q Which way did you go? Q Went through the country there somewhere

Q Through what part of this country did you go? A I don't know sir.

Q Do you remember any town from Fort Gibson to Kansas that you went through? A I came through by the old asylum and by where I saw this Mose Riley.

Q Those are the two points you remember? A Those points I remember.

Q Did you see anybody else along there you think knew? A No, sir, didn't see anyone just the Riley family.

Q Then you spent your Christmas up in Kansas? A I think I did.

Q How long was it after you got back up there until you saw your wife? A I saw her the same time I went there.

Q How long after that until you married her? A Oh I married her along in the same fall; no, I married her in '66 I believe.

Q You saw her up there from the time you met her until you married her? A Why no sir, she was here, her and her Uncle Spencer had come down here.

Q Were you down here then? A No, sir, she was here, I started with them and came part of the way with them, that fall, fall of '66; in the fall of '66 her and her uncle, Spencer, came down here and I came with them part of the way.

Q How far did you come? A I don't know, they were supposed to come down here to Grand River to her aunt's.

Q How far did you come with them? A I came with them here to Big Creek, and then I went on down to Fort Gibson.

Q Did you not yourself testify that you went to Fort Gibson in the spring of '66, and that you stayed there all summer and that you made rails in the fall and then went back up there just about Christmas?

A I will tell just what I did, I made hay in Fort Gibson for a man named Coon in the fall of '66, myself and a dozen or two, and then as I told you, I can't remember all these things, I can't carry them all, then I went back to Kansas that same fall, '66.

Q Did you make some rails down there part of the time before you went? A Yes, sir.

Q And then you went back to Kansas? A Yes, sir.

Q And you got there, didn't you state, just about Christmas?

Granville Waite - 4.

A I don't remember.

Q Well, how do you know that this boy was born down here on the river, you were living in Kansas with your wife at the time?

A My wife said he was.

Q You were living with her at the time in Kansas? A Not the time he was born.

Q That was your home, wasn't it? A Yes, sir.

Q That was her home, wasn't it? A Not, it was there she was living, she had no home particular.

Q There is where you were living? A Yes, sir.

Q There is where you married her? A Yes, sir.

Q You kept house up there? A Yes, sir.

Q Your first child was born up there, wasn't it? A Yes, sir.

Q And you and she moved from there, as you said, about fifteen or sixteen years ago? A We came down here, as I told you, her and her uncle went down on Grand River.

Q Where was your next child born? A Down on Grand River.

Q Although you lived up yonder? A Yes, sir.

Q And your wife stayed with you and kept house up there? A My wife didn't stay there, she came down here with her aunt.

Q When did she come? A In '66 with her uncle, Spencer.

Q I thought you said you married her in '66? A If I said that I say it yet.

Q Well, she didn't come till after you married her, did she?

A She certainly did, I told you that.

Q How could she be living down here and having ~~her~~ children and you be living up there in Ottawa, Kansas? A Very easy; I have seen lots of them do it.

Q Wasn't she living up there with you? A She was for a while.

Q You moved her down here 15 or 16 years ago, didn't you? A I told you that her Uncle Spencer and her come down in '66.

Q After that she went back? A Yes, sir.

Q How long did she stay when she came back with her Uncle Spencer?

A Not very long, and not very long up there either.

Q How many children did she have before you moved down here about 16 years ago? A She had two.

Q Now where was this man convicted, for whom you apply, Granville Bell? A I don't know sir, up there in Kansas, somewhere.

Q What was he convicted of? A I don't know sir.

Q He was up in Kansas at the time? A Yes, sir, I suppose he was, that is what I heard.

Q He convicted in the Kansas Court? A I don't know sir, I didn't hear.

Q Never been married, has he? A No, sir, if he had I don't know it.

Q Did you bring him down here with your wife when you came about 15 or 16 years ago? A No, sir.

Q You left him up there, did you? A No, sir.

Q How old is he now? A About 27 or '8.

Commissioner: If you didn't bring him down and didn't leave him where was he? A He wasn't born.

Mr. Hastings: About 15 years ago, when you brought your wife down here, didn't you bring him down? A No, sir.

Q Was he born after that time? A My goodness, I have told you the best I can, I don't want you to make me lie.

Q I am trying to get this thing straightened out? A I just can't remember these things.

Commissioner: You said you didn't bring this boy when you came down about fifteen or sixteen years ago? A I didn't, and I told you he lived with his aunt.

Q You said he wasn't born then? A I didn't mean that, he was born and lived with his aunt on Grand River.

Granville Waite - 5.

Mr. Hastings: What was his aunt's name? A Bettie Bern.

Dave Martin, being duly sworn by Commissioner Needles, testified as follows:

Mr. Salathiel: What is your name? A Dave Martin.

Q What is your age? A 64.

Q You a Cherokee Freedman? A Yes, sir.

Q What is your postoffice? A Coffeyville.

Q Are you acquainted with Granville Bell, the applicant? A Yes, sir.

Q Do you know who his mother was? A Yes, sir.

Q State who she was? A In the time of slavery she was Mary Bell.

Q What relation was she to you, if any? A My sister's daughter.

Q Do you know who her owner was at that time? A To Colonel Bell, Sam Bell's wife was her first owner, and then she married a fellow named Ellis McDaniel at the beginning of the war.

Q At the beginning of the war who was her owner? A Mrs. Bell was the owner of her I guess, she was her slave.

Q What Mrs. Bell, what was Mr. Bell's name? A Sam Bell first, and when he died she married Ellis McDaniel.

Q Do you know where she lived after the war? A No, sir, I don't. know where she lived since the war, she lived a portion of the time on Grand River.

Q When was it you say she lived on Grand River? A I don't know sir, I can't tell the years.

Q Give us your best judgment? A She was there to my sister's in '78, '75, during along them times, and then she would go away and stay with first one and then another, I don't know where she made a permanent home at.

Q When did she marry Elijah Timmon? A I don't know sir when she did marry him, I know they were married; he went out of the army, when he went out of the army he went up to Kansas.

Q Where did she go immediately after the war or while the war was going on? A She went to Kansas.

Q How long did she stay there, do you know? A I don't know.

Q Do you know when she returned to the Cherokee Nation? A I don't know.

Q When did you first see her after the war? A I saw her a dozen times.

Q When was the first time? A I can't say the first time, they came to see me, they have been to see me eight or ten times to where I live, come to visit me and stayed there two or three days.

Q Where did she come to see you the first time after the war? A I was out to my sisters.

Q When was that? A That was in '73.

Q Do you know what would be the age of her oldest child, if it was living now? A No, sir, I don't, he must be thirty nearly, something along about thirty.

Q Was that child born before or after the war? A I can't tell much about that, I was in the woods scouting, I was hid out from here when that child was born.

Q Do you know either these Bells or the right, what their nationality was? A They were citizens of the Cherokee Nation, Cherokee citizens.

Q Where did they reside? A On Grand River.

Q Do you know whether at the beginning of the war they took her to any place? A Just before I went to the woods they hired her to Dick Goody and he was here on the Verdigris.

Q What year was it you went in the woods? A In the fall of '80 and '80.

Q Where did Dick Goody live at that time? A Lived over here close to Goody's Bluff.

Granville Waite - 6.

Like Waite, recalled, testified as follows:

Commissioner: Granville Bell your son? A Yes, sir.

Q Born after you married? A Yes, sir.

Q How does his name happen to be Granville Bell then? A They went after his mother here.

Q But if he is your son he ought to have your name? A Yes, sir, he ought to; well I will call him Granville Tinnon, you put me there.

Q Well your name isn't Tinnon? A Well I call him Granville Waite now; that is the way we had put it here, we had ~~wanted~~ to go after our masters' names.

Commissioner: The applicant's name is Granville Waite.

Mr. Salathiel: Do you know whether his name is on any of the rolls? A Yes, sir, he is on the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified there.

The Wallace roll examined and the applicant identified thereon page 182, No. 3341, district not given, as Granville Belle.

L. B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Salathiel: Were you acquainted with George Bell, a Cherokee citizen that lived here, to which the witnesses referred to in his testimony? A Yes, sir.

Q Do you know what his nationality was? A Cherokee.

Q Where did he reside at the beginning of the war; at what place?

A George Bell, he lived with his Uncle Lynch at the beginning of the war, he was a minor, his mother died a year or so before the war and the children were distributed about among the relations, as well as the slaves and things they owned, he lived on Grand River, Saline district, I don't know whether she particularly belonged to George or to the others, but she belonged to them.

Q You know of the family having this Mary Bell? A Oh yes, the mother of these boys was my aunt, and their father was my uncle, they were double cousins; yes, if that is Mary Bell, the one they talked about, she belonged to them; her mother was named Maria.

Commissioner: Was she taken out of the Cherokee Nation during the war? A I expect so, she was in here when the war began.

Q When did you first see her after the war? A About when the Wallace roll was being made she came to my house to see about getting on, her name wasn't Bell then, Tinnon is what she gave me as her name.

Mr. Hastings: Do you know where she was living at that time? A No, I don't.

Q Did she make any statement to you as to where she was living?

A Well, either at that time or another time she told me she was living about Chelsea.

Commissioner: What did she call herself? A She went by Tinnon when she came to my house.

Commissioner: Elijah Waite called for the enrollment of his son, Granville Waite, known as Granville Bell, 39 years of age. He avers as the reason why the said Granville Waite is not present, he being 21 years of age, that he is incarcerated in prison in Independence, Kansas. He avers that said Granville Waite is his child by his wife, Mary Bell, and makes no satisfactory proof of marriage between himself and his wife, and claims citizenship for the said Granville Waite through his mother, Mary Bell. The said Granville Waite, or Bell,

Granville Waite

cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace. He is duly identified upon the Wallace roll as Granville Bell. No satisfactory proof has been made as to the return of the said Mary Bell, the averred mother of Granville Waite, and wife of Elijah Waite, the averred father of the said Granville Bell. By reason of the fact that his name is not found upon the authenticated roll of 1880 and the further fact that the proof is not satisfactory as to his citizenship, said Granville Waite, called on the roll Granville Bell, will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the action of the Commission, at his postoffice address.

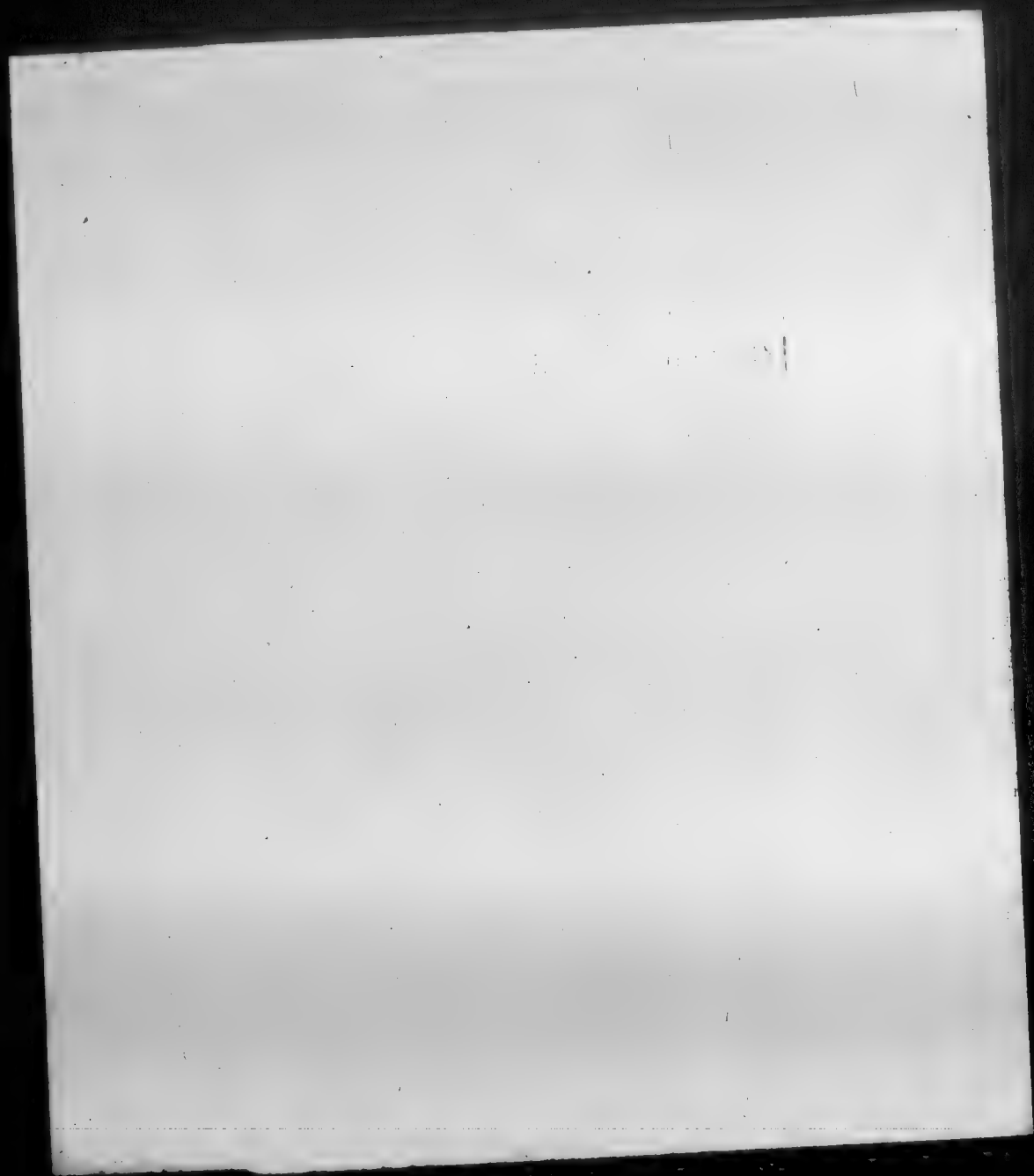
Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 11th of July, 1901.

[Signature]

Commissioner.



Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 22, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of GRANVILLE WATIE as a Cherokee Freedman.

Appearances:

W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation.

ALLEN LYNCH, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Allen Lynch.
Q How old are you? A About sixty-three years old.
Q What is your post office address? A Vinita.
Q Do you know Granville Watie? A No sir, not particularly acquainted with him, I know his mother. Yes sir, his father too.
Q Who is his mother? A Her name was Mary Bell, used to be.
Q What is her name now, is she dead? A She is dead.
Q She is the mother of Granville Watie, who is an applicant for enrollment as a Cherokee Freedman? A Yes sir.
Q Did you know Mary Bell before the war? A Yes sir.
Q Was she the slave of a Cherokee citizen at the commencement of the war? A Yes sir.
Q Who was her owner? A Her first owner was Rachel McDaniel, she raised her; then she died and she belonged to the heirs, that is, George, Jake and Jinnie, and Joe Lynch, the man that owned me, I reckon he administered on the estate, he took the children and the darkies and brought them up there and lived on the same place with me.
Q Who was her owner at the commencement of the war? A Then there heirs, Jinnie and George and Jake, that's the children, she belonged to the estate. I don't know which one of them owned her, it was them there three children.
Q Their owner's name was McDaniel? A Rachel McDaniel was the woman that raised her.
Q Did she ever belong to George Bell? A I guess George and Jake and Jinnie was the three children, and that's the estate.
Q Was George's name George Bell or Daniels? A George Bell.
Q Is George Bell a Cherokee citizen? A Yessir.
Q Do you know when Mary Bell returned to the Cherokee Nation after the war? A No sir, I don't know when she came back.
Q Was she taken out of the Cherokee Nation during the war?
A Yes sir, I got a wagon for her to go out in.
Q Where did she go during the war? A Kansas.
Q When did you first see her after the war? A I don't know how long after the war it was when I seen her, I don't remember anything about it.
Q Don't you know how long she lived in the Cherokee Nation after the war? A No sir, I don't. I don't know when she came back. I couldn't tell you how long she lived here after the war.
Q Do you know how long Granville Watie has lived in the Cherokee Nation? A No sir, they all lived on Grand River, and then went out near Chelsea. I only seen them but once in three or four or five years.
Q Were you acquainted with Life Watie, the father of Granville Watie?
A Yes sir, Elijah we called him Life Finnen.
Q Was Elijah a non citizen? A I don't know.

MR. BELL: How come you to call him Life Tinnen?

A He lived with Tinnen when I first got acquainted with him at Mayesville.

Q He was a white man, lived in Arkansas? A Yes sir.

Q He belonged to him, didn't he? A I believe he belonged to him then.

ELIJAH WATIE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Life Watie.

Q How old are you? A I am about sixty years old, somewhere about there.

Q What is your post office address? A Chelsea.

Q What relation, if any, is Granville Watie to you?

A He is my son.

Q Was Mary Watie, now deceased, your wife? A Yes sir.

Q When did you first know her? A About 35 years ago. I knowed her before that, but I got acquainted with her about 35 or '6 years ago.

Q Did you get acquainted with her before or after the war?

A About the time of the war.

Q Do you know when she returned to the Cherokee Nation after the war?

A Yes sir.

Q When did she return? A She returned in the spring of '66, her and her Uncle Spence, and they came hunting after Mr. Bell and her young masters, that's George Bell that Lynch spoke of. That was in the spring of '66.

Q Who all came with her? A Her and her uncle Spence.

Q Anybody else? A One man, I forget the other man's name.

Q How do you know about that? A I know it by seeing them.

Q When did you first see her after the war? A It was probably two years, maybe a year. I think I seen her a year after that.

Q A year after the close of the war? A Yes sir, I think that is the time, I am pretty well satisfied of that.

Q That was about '67? A Somewhere along about that.

Q What time of the year? A Along in the spring. I believe it was in the spring - or fall, I don't know, because they come down the next summer after the war, the spring after the war, hunting for Mr. Bell and her young masters.

Q Now, if you didn't see her until a year after the close of the war, how do you know they returned then? A I was there.

Q You say you didn't see her until a year after the close of the war? A That's the summer after the war, or might have been '67.

Q What year was that? A That was '66, when them folks come here hunting for Mr. Bell.

Q How long had they been here when you first saw them?

A After I seen them here? After they come here?

Q Yes. A Why it was about six months, along toward the fall of the year.

Q Where did they come to when they returned? A They went on Grand River, I don't know whereabouts, that is what Uncle Spence told me afterwards, I saw him at Fort Gibson, that he left her with her aunt on Grand River, left her there, and then went back on Grand River and worked for Mr. Lewis Kell a Cherokee Man.

Q How long did she stay here at that time on Grand River?

A She stayed here six months, until her mother got sick, stayed with her until her mother died, I am pretty well satisfied of that.

Q Where did she go to? A Back to the Nation.

Q Cherokee Nation? A Yes sir.
 Q Where was Granville Watie born? A Born on Grand River at his
 aunt's, that's what she told me, I don't know. I wasn't there, I
 was down in below Fort Gibson making rails.
 Q Was Granville Watie born since the close of the war? A Yes sir.
 Q How long has he lived in the Cherokee Nation? A All his life
 this has been his home.
 Q Never been out? A He has been in and out like all other runabout
 boys. He is stuck up in jail now.
 Q How long has he lived in the Cherokee Nation? A All his life,
 except when he is running in and out, all his life. He has been in
 and out like others, three, four or five months at a time or longer.
 Q What is the longest he ever stayed out? A About five months.
 Q Where was he then? A In jail.
 Q When was he sent to jail the last time? A I guess it must have
 been a year ago, somewhere about that. He is sent from Wagoner
 for the charge of killing a man, I don't know just how long it has
 been, about a year, I reckon, pretty near it if not quite a year.
 Never kept no account of it.
 Q Was Granville living in the Cherokee Nation during the year 1898?
 A Yes sir, lived right with me.
 Q What time, all the time? A Yes sir, not all the time, that is
 his home. He has run about like all other bad boys. He worked a
 little on the farm and stayed around some, and the next thing I
 would hear of him in Tahlequah or somewhere else, or in jail.
 Q Did he ever remove his property and effects out of the Cherokee
 Nation when he left? A No sir, never had none. Where his hat was
 at, that's his property, never moved nothing, just go himself.
 Q Has he ever been married? A No sir.
 Q Has he always made his home with you in the Cherokee Nation?
 A Yes sir, when he is in the Nation that is his home, only when he
 is in jail.

MR. HASTINGS: Did you ever live at Ottawa, Kansas? A Yes sir.
 Q Did you know Mr. Silas Piersall? A Yes sir.
 Q Did you know J. C. Herford? A Yes sir.
 Q Know him well? A Not so powerful well. I have seen him around
 there once or twice, they call him Jim Herford.
 Q When was the last time you was at Ottawa? A I don't know, sir,
 it has been a good many years.
 Q You was there when the war closed? A No sir, I was in Fort Scott
 driving a team for the government of the United States.
 Q How far was Ottawa from Fort Scott? A I don't know, sir.
 Q How long after the close of the war before you went to Fort Scott?
 A It must have been as much as six or eight months, because I was
 here at Fort Gibson.
 Q When did you and Mary Bell commence living together? A Along
 when I first seen her.
 Q After the war or before the war? A After the war, about '66, I
 reckon, that we commenced living together.
 Q What was your oldest child by her? A Will.
 Q How much older is he than Granville? A About a year and a half.
 Q That was your oldest child? A Yes sir.
 Q He is about a year and a half older than Granville?
 A About that, I think.
 Q Did you commence living with her about a year before Will was born?
 A Well, some -- yes sir, I and her we kind of married old-fashioned
 Q That was about a year before Will was born? A No sir, it wasn't
 quite a year, it wasn't a year.
 Q Will is about a year and a half older than Granville? A I think
 that is just what it is.

Q That is when you first was married after the war? A Yes sir.

Q Where was that, Life, that you first saw her after the war?

A I seen her at Mapleton, Kansas, then -- no, not Mapleton, Ossawatimie, then from there she went to Ottawa.

Q And you went to Ottawa? A Yes sir, I was kind of around about her, like all other bad men.

Q At Ottawa is where you knew Mr. Herford? A Yes sir.

Q You didn't get acquainted with Mr. Piersall? A No sir, I don't remember him, it has been so long. I don't know how to carry time, only from what I seen others.

Q Who was Chief when you came down here the first time?

A Bushyhead, I think.

Q I think you are right? A I am not certain, I forget. I can't tell you now.

Q What year is this? A Well, this must be '93.

Q What year did Kerns Clifton make the roll? A I don't know, sir.

Q You don't know one year from another then? A I would if I would give my attention to it, but I haven't business enough to keep up with it. I make 50 or 60 or 75 cents and that's all, and when I get it in my hand that's all there is to it.

Q You never saw Mary in the Cherokee Nation until after she Will was born, did you? A Yes sir, no, -

Q After the war? A No, I didn't see her. I don't know whether I did or not, yes sir.

Q You know you never saw her until after Will was born?

A Will, he is my son.

Q You never saw her in the Cherokee Nation after the war until after Will was born? A I don't remember now, couldn't say positive.

Q The year you testified about them coming down here was the one they told you about? A It is a fact, I know that.

Q You never saw them? A Yes sir.

Q Did you see them in the Cherokee Nation? A I know when her uncle Spence and her come together.

Q Did he tell you? A I didn't see them after Uncle Spence come. Yes, I did, at Fort Gibson, sometime after, two or three months afterwards, after they got here.

Q Had you taken Mary for your wife yet?

A Yes sir, I was living with her.

Q How long after that time before Will was born that you took her?

A Pretty near a year, eight or ten months.

Q You have no idea how old Granville is? A I guess he would be 34 or 35 years old, that's the way I guess at it, maybe more.

Q He made this application for himself, didn't he? originally?

A No sir, his mother had to do it.

Q When did his mother die? A She died about six years ago.

Q His mother wasn't alive two years ago, when this application was made for him? A No, not this last one. I reckon he must have made it himself, I don't know anything about it. I know I furnished all the money.

Q Where did you first see Mary Bell yourself, and not what you heard about it? Where did you first see Mary Bell yourself in the Cherokee Nation after the war? A On Grand River, at her aunt's.

Q Where did her aunt live? A On Grand River.

Q At whose place? A At her own place, she and uncle Spence built a little log house.

Q Where? A It has been so long I don't know exactly. I don't know none of those places.

Q Who was her aunt? A Betsy May, Bettie May, they call her.

Q Is she a colored woman? A Yes sir, she is a black woman.

Q How far did she live from Al Lynch, down here on Grand River?

A I don't know, sir, he tells me he lives on Spavinaw, up somewhere towards Mayesville, and she lives towards the old man Lynch place.

Q That is down here near Allen Ford? A Yes sir.

Q You saw Mary Bell there? A Once or twice. I went down there to see her.

Q You saw her afterwards in Ottawa, didn't you? A Yes sir.

Q You lived with her up there? A Yes sir.

Q How long after that did you see her in Ottawa? A I don't know what you mean.

Q How long after you claimed to have seen her on Grand River at Betsy May's, until you saw her after that time in Ottawa?

A It was, I guess, about five or six months.

Q You went back up there and found her there? A Yes sir.

Q She was there? A Yes sir.

Q Had she any children born then? A I think Will was born up there. Seems to me she had one child, I can't tell in particular, it has been so long.

Q You went to living with her there? A I stayed with her there.

Q You were recognized as husband and wife? A I suppose so, I called her my wife.

Q You continued to live there ten or twelve years in Ottawa?

A No sir.

Q You lived there about 1881 or 1882? A No sir, I had been away from there hundreds of times.

Q How long did you live with her in Ottawa, Kansas? A I don't know, sir.

Q Did you live there twenty years? A No sir.

Q About how long? A I don't know.

Q You haven't got any judgment about anything but '66?

A Well, I have got that pretty fast.

Q I understand that. What was you doing up there?

A Knocking around, digging a little here and there.

Q Digging wells? A Digging wells once in a while.

Q One of those men said you was well digger?

A I am a well digger, that's right.

Q On whose place did Betsy May live? A On the old Lynch place, somewheres close there, I don't know. I told you I didn't know any of the places. I don't know where I am at now, hardly.

Q You just saw Mary Bell there one time? A I told you twice.

Q Twice? A Yes sir. If you let me tell you, I could tell you how I seen her.

Q You don't know how long after the war that was? A I told you it was about six or eight months. I think I told you that.

Q What was she doing there? A Just living there like all the rest.

Q Any colored people living there? A A few.

Q Who? A I don't know them. Jess Shore for one, but he is dead.

Q Any living? A I knew lots of them, Jess died during the smallpox. The people I particularly knew, I drove a government team with, they are dead.

Q You don't have any idea how long this woman lived at Ottawa?

A No sir, I don't know nothing about that.

Q Where was Granville born? A I told you he was born on Grand River somewheres, at his aunt's.

Q Who is his aunt? A Aunt Betsy.

Q Betsy May's? A Yes sir, that's Mary's aunt.

Q Was he born there? A Yes sir, I guess he was. I didn't see him. His mother told me, and I am supposed to take her word, I don't know.

Q Did you have any other children except Will and Granville by this woman? A No sir.

Q These are the only two? A Yes sir, that's all.

Q How did she get back from Betsy May's to Ottawa, Kansas?

A I suppose her uncle Spence carried her.

Q Did you see Uncle Spence up there? A Yes sir.
 Q He lived in Ottawa? A No sir, he lived in Lawrence.
 Q With whom was Mary living when you found her in Ottawa?
 A Living with her mother.
 Q What was her mother's name? A Maria.
 Q Her mother was living there, was she? A Yes sir, she died
 there, and this Mary, I told you about it, waited on her until she
 died.
 Q How long did she live after the war?
 A I don't know, sir, not long.

MR. BELL: Where was this Betsy May living at? A She lived on Grand
 River there somewhere.
 Q That's seventy-five or eighty miles long? A It was down towards
 Island Ford there somewhere, close to where -
 Q What was her husband's name? A George Bean, I believe. He is
 dead, both of them is dead.
 Q If you was there at the that house, and saw Mary there, couldn't
 you tell where that place was? A No sir, I couldn't.
 Q Which side of the river was it on? A I think it was on the
 west side, I wouldn't be positive about that.
 Q Was you sober when you was there? A Duly sober.
 Q How long was you there? A Probably a night. I think I stayed
 all night.
 Q Wasn't she your wife at that time? A Yes sir, she was my woman.
 Q You can't recollect positively which side of the river?
 A No sir, I couldn't positively tell you, but I think it was the
 west side.
 Q Do you know who that Betsy May belonged to before the war?
 A She belonged, I suppose, I think she belonged to the Mayes, I
 think, at least I have heard so much about who they belonged to,
 Betsy May. You know Spence, it was his sister.
 Q Who lived near her at the time? A I don't know a thing about that
 I think some of them Rileys lived just down the river below her.
 Q Couldn't you name anybody? A No sir, can't do it.
 Q When was it you seen her? A In the spring or summer of '66,
 somewheres along about there.
 Q Did you see her twice there? A Yes sir.
 Q Once in the spring and once in the summer? A Yes sir.
 Q You can't recollect anything about the house there?
 A No, only it seems to me Rileys lived down the river there.
 Q Was you ever at Island Ford? A Crossed there hundreds of times.
 Q How far did Betsy May live from there? A I don't know.
 Q Was you ever at the tanyard ford? A I don't remember, might
 have been.
 Q Was you ever at the Lynch farm? A Yes sir.
 Q How far did Betsy May live from there? A I don't know.
 Q You don't know which side she lived on? A I think she lived on
 the west side. It is so long I wouldn't take oath on it.
 Q You stayed with your wife just one night? A One night and went
 back to work.
 Q Where were you working? A Below Fort Gibson, making rails.
 Q When did you next come up to see her? A Along probably in June
 somewheres along there.
 Q June '66? A Yes sir.
 Q How long did you stay there the second time?
 A Stayed a couple of days.
 Q Didn't find out the house there? A Didn't look for none.

MR. HASTINGS: The truth of the matter is, Betsy May lived at
 Cassavatic? A No sir, she never.

Q Betsy May never lived in this country after the war, did she?
A Yes sir, if she hadn't I would have told you so.
Q Didn't you say she lived on the old Lynch place a while ago?
A No sir.
Q Whose place did she live on? A On her own place that she built,
her and her uncle Spence, and other friends of theirs, when they
was looking for Mr. Bell there.

ALLEN LYNCH, Recalled, testified as follows:

MR. HASTINGS: Your name is Allen Lynch? A Yes sir.
Q You were on the stand a moment ago? A Yes sir.
Q You live on Grand River? A Yes sir.
Q You are a Cherokee freedman? A Yes sir.
Q When did you come back to that country after the war?
A I come therein the winter of '66.
Q I will ask you if you knew a colored woman named Betsy May?
A Not up there, no sir.
Q How far did you live from Island Ford? A Lived about five miles
above, five or six miles.
Q You are well acquainted in that country? A Yes sir.
Q You lived there before the war? A Yes sir, raised there.
Q You know all that country there? A Yes sir.
Q Did you ever know a Betsy May living there? A No sir, not that
I know of.
Q About how many years was it after the war until you saw Mary
Bell in that country? A I don't know.
Q Your best judgment? A I never seen her for five or six or seven
years. I don't remember when I did first see her.

Wm. Hutchinson, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly reported
the testimony and proceedings in this case, and that the foregoing
is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 13th day of October, 1903.

Charles W. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Granville Bell et al., for enrollment as Cherokee freedmen, consolidating the applications of:

Granville Bell
Leslie Bell

Cherokee Freedmen D 920
Cherokee Freedmen D 949

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Lige Watie for Granville Watie and by Leslie Bell for himself. Further proceedings were had in the matter of said applications on September 22, 1903, at Vinita, Indian Territory. A copy of the testimony of Lige Watie and others, taken at Nowata, Indian Territory, June 28, 1901, and at Vinita, Indian Territory, October 2, 3, and 7, 1901, in Cherokee freedmen D 921, is filed herewith and made a part of the record in this case.

The evidence shows that Granville Watie is known by the name of Granville Bell, under which last mentioned name he will be considered in this decision. It appears that he was in jail at Independence, Kansas, when the application for him was made.

The evidence further shows that the applicants, Granville Bell and Leslie Bell, were born since 1866, and are the children of and claim their rights to enrollment through their mother, Mary Bell, their father, Lige Watie (Cherokee freedmen D-921), having been found by this Commission to possess no rights to enrollment as a Cherokee freedman; that the said Mary Bell was the slave of a Cherokee citizen at the commencement of the rebellion and during said rebellion she left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

Neither of the applicants herein nor their mother through whom they claim, is identified upon the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application of Granville Bell and Leslie Bell for enrollment as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 26, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904

H. S. Leavenworth Kans.

Nov. 4 - 1863

Mustogee T. T.

This is a statement to certify that I Granville Bell is the son of Mary Bell who was enrolled by my father in 1801 by the name of Granville White that I Granville Bell is near as I know is about 30 years old, born in grand river bottom ~~and~~ was principally raised in the nation, Cherokee Nation my Mother Mary Bell was owned by Haley Bell & Uncle Jack Bell. I have or there was 4 Boys in the family their names with my are.

George Bell.)	} head of family
Willie Bell	
Lesslie Bell	
Granville Bell	
} Mary Bell.	

I have always been enrolled as Granville Bell. I drew money in or of the 1842. payment I think it was \$15.50 at that time Mr. Geo. Bennett was Indian agent I was enrolled or should of been in 1846 of which all enrolled at that time drew \$1.85.25 which at that time my name Granville Bell could not be found and in 1861 my father Eliphaz L. Simon has

Called me as Granville Bell of
 which I never changed back to my right
 name Granville Bell. I never did make
 a statement before the Commissioners
 because my Mother Mary Bell always
 attended to the ~~involvement~~ involvement
 of the family but my Mother died
 on the 5th of Sep. 1891. I have always
 lived with my mother only at my
 schooling she always lived in the Nation
 or considered that our home at the present
 time my home is at Chelsea, N.Y.
 and has been for about 14 years the witness
 to my Mother's rights and her family are
 on her statement. which was made at
 each involvement if we or not on the 80
 role it was because my mother not
 knowing what and how to do and not
 being or having any education just thought
 so that she was home that is in the
 Indian Nation that that would be
 all was missing so I hope that this
 statement which I have made will
 satisfy you here that I am
 Granville Bell not Jones and that
 Lewis McClain who's post office is
 also at Chelsea, N.Y. and Mr.
 Moses Riley also of Chelsea N.Y.

was willing to the fact of and
about my mother, Mary Bell
and that I am the son of
Mary Bell and brother to
George Bell Willie Bell and
Lebbie Bell Willie Bell is also
deceased. He died in 1800. on Big Creek
settlement in May of that year.

Howes Commission

I write and swear to this statement
as I was informed by you.

Mr. Bibb that I should make
a statement of who I was and
who was the members of the family
of which is correct as far as I
know I hope that this will
satisfy the Commission that I
who was enrolled as Granville Watts
is Granville Bell and not Watts
and would like to be enrolled correct
and oblige

Very humbly yours

Granville Bell

State of Kansas
County of Leavenworth } Sd

Swoon and Subscribed
to before me, the undersigned Notary
Public for the County of Leavenworth,
on this the 14th day of November
1903.

John C. Ripley.
Notary Public
My Com. Expires Sept. 1. 1904.

File
75920

From the Book

12 1000
MAR 21 1947

Handwritten signature
J. H. HANCOCK

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,-

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Granville Watie,
Chelsea, I. T.

Cherokee F-D-920

Register.

TAMS BIXBY,

T. B. NEEDLES,

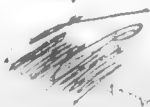
C. R. BRECKINRIDGE,

Commissioners.

①

311120

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

2. Name of wife

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

3.

Year

Page

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Application made by

Stenographer

On Wallace roll as Granville Bell

In Prison at Independence, Kas.

Represented by T. S. Smith, Independence, Kas.

Huskogee, Indian Territory, August 11, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in Cherokee Freedman D-920, Granville
Bell (Granville Bell).

Wm M. Craven

Attorney for applicant.

Cherokee Freedmen
D-920.

Muskogee, Indian Territory, September 9, 1903.

Elijah Waite,

Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your son, Granville Waite, as a Cherokee Freedman, you are hereby advised that further testimony is required as to his residence in the Cherokee Nation, whether or not his mother, Mary Bell, was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-920.

Muskogee, Indian Territory, September 9, 1903.

Wm. M. Cravens,

Attorney for Granville Watie,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Elijah Watie for the enrollment of his son, Granville Watie, you are hereby advised that further testimony is required as to the residence of the said Granville Watie in the Cherokee Nation, and whether or not his mother, Mary Bell, was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-920.

Muskogee, Indian Territory, July 28, 1904.

Granville Bell,

U. S. Penitentiary,

Fort Leavenworth, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, William M. Gravens, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. 2-162.

Register.

Encl. S-163.

Register.

COPY.

Commissioner in Charge.

Cherokee Freedmen

S-920.

Muskogee, Indian Territory, July 28, 1904.

William M. Cravens,

Attorney for Granville Bell,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting, among others, the application for the enrollment of Granville Bell as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. S-163.

Register.

COPY.

Cherokee Freedmen

B-220 D-249.

Muskogee, Indian Territory, July 28, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Leslie Bell, et al., rejecting the applications for the enrollment of Leslie and Granville Bell as Cherokee freedmen.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. 2-144.

COPY.

Cherokee Freedmen

D-230 D-240.

McKeesee, Indian Territory, July 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated case of Leslie Bell, et al., including the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Leslie and Granville Bell.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. S-165.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Land.
82165-1904.

WASHINGTON,

September 6, 1904

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated July 28, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Lige Watie for Granville Bell and by Leslie Bell for himself, the application for Granville Bell being made by Lige Watie for the reason that Granville Bell was in prison at Independence, Kansas.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that the applicant, Lige Watie, Lige Waite, Elijah Watie, Elijah Timmon or Elijah Waite, as indifferently named in the record, was the slave of a citizen of the State of Arkansas and claims to be the father of Granville and Leslie Bell and that the mother, Mary Bell was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Mary Bell left the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867.

11

The applicants, Granville and Leslie Bell were born since 1846 and possess no right to enrollment except such as their mother may have had. Granville Bell is identified only on the Wallace roll and Leslie Bell is found on on the Kern- Clifton and Wallace rolls. Their names are not found on the 1880 authenticated Cherokee roll.

In view of the record, the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

MM: IM

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(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.
LLB.
J.D.

D.C. 36486-1904
I.T.D.-7194-1904.

September 16, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On July 28, 1904, you transmitted the record in the matter of the consolidated Cherokee enrollment case of Leslie Bell et al., including your decision of July 23, 1904, rejecting the application for the enrollment of Leslie and Granville Bell.

Reporting September 6, 1904, the Commissioner of Indian Affairs recommends that your decision be approved.

The Department concurs in said recommendation and your decision is affirmed.

Copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D 920

Muskogee, Indian Territory, October 6, 1904.

William M. Gravens,

Attorney for Granville Bell,

Muskogee, Indian Territory.

Dear Sir;

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, the application for the enrollment of Granville Bell as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

Wm. Tame Dixby.
Chairman.

COPIED

Cherokee Freedmen
D 920, et al.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Granville and Leslie Bell as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

SIGNED, *Tamr Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D 920

Washoe, Indian Territory, October 6, 1904.

Granville Bell,

Fort Leavenworth, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

Cher. Fr. R- 778

Cher. Fr. R- 778

Trans. from Cher F.D 921

1-21-121
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 10 1901

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, K.T., June 22, 1901.

In the matter of the application of Lige Waite for enrollment
as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Lige Waite, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Lige Waite.
Q How old are you? A Why I guess I am about 57 years old.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Two sons.
Q What are your sons' names? A One is named Granville and the
other is Leslie.
Q How old is Granville? A He is 29.
Q Well he can enroll himself; have you got any under 21 years of
age? A No, sir.
Q Mr. Smith: Who are your witnesses? A Mose Hardrick, Mose Riley,
and Jim Alberty.
Q Mr. Waite, what is your postoffice? A Chelsea.
Q How long have you lived there? A About 15 or 16 years, there-
abouts.
Q In that neighborhood? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Who was your owner? A Well, I was in the hands of Mr. Waite,
Gen. Waite, in the beginning of the war, and remained there till I was
freed; I claim he was my last owner.
Q Stand Waite? A Yes, sir.
Q Was he a Cherokee Indian? A Yes, sir, a full blood.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Where were you at the time the war commenced? A I was in
Arkansas at the first beginning of it.
Q How did you get with Stand Waite? A I was taken there to him.
Q Who took you there? A Bill Tinnon.
Q Who was he? A That was a man lived in Arkansas.
Q When did he take you there? A At the beginning of the war.
Q Where were you when the war actually began, in the Cherokee Nation?
A Right in the Cherokee Nation.
Q How long before the war began were you taken to Arkansas? A I
was taken from Arkansas to the Nation.
Q How long after the war began were you taken out of the Nation?
A I wasn't taken out of the Nation at all.
Q Where were you then, where did you remain during the war? A I
remained in the army with Mr. Stand Waite part of the time.
Q Where were you the rest of the time? A In the other army,
on the other side.
Q In what way were you in the army, were you a soldier? A I was
driving teams before I was taken to the Choctaw Nation by Mr. Stand
Waite.
Q When did you come back to the Cherokee Nation after the war was
over? A I never left here till the war was over.
Q You said you went to the Choctaw Nation? A No, I went there, I
thought I was in the Nation.
Q I am talking about the Cherokee Nation; when did you come back
to the Cherokee Nation after you went to the Choctaw Nation? A I
came back in the fall of '63 time of the Prairie Grove fight.
Q Where did you quit the army? A At Prairie Grove.
Q What did you do when you quit the army? A Went back to Fort
Gibson.

Lige Waite - 2.

Q How long did you remain in Fort Gibson then? A I stayed there about a month I guess.

Q Then where did you go? A They hired me to go to driving teams on the other side.

Q Other side what? A For the Union army, we called it.

Q How long then were you with the Union army? A I was there with them till the war closed.

Q Where were you when the war closed? A I was down to Fort Gibson in the Cherokee Nation.

Q Well, what did you do after the war closed, where did you stay?

A I came around there, rustled around through the Nation and from this then I went to Kansas.

Q Where were you in the year '66? A I was down to Fort Gibson part of the time.

Q Well, how much of the time? A Oh I was down there I guess about I was down there, ~~taxes~~, you might say I was there in the spring and went away and came back in the fall about hay making time.

Q Hay making time in the year 1866? A Yes, sir, helped them put up hay there.

Q Where have you been living since that time? A Part of the time here and part of the time somewhere else, I didn't have any particular home, I wasn't a married man, and I went wherever I could.

Q About how long have you been living in the Cherokee Nation permanently and without going out at all? A Oh about 15 or 16 years.

Q And during that time you been living where? A Been here about Chelsea in Cooweescoowee.

Q Are you on any of the rolls? A Yes, sir.

Q What roll? A Wallace roll.

Q Did you draw Wallace money? A Yes, sir.

Q Are you on any other roll? A No, sir, if I am I don't know it.

The 1860 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon, page 186, No. 3413, district not given, as Elijah Tinnon.

Commissioner: Well you are on the roll as Elijah Tinnon; how did that happen? A I don't know, they asked me what was my name, and I told them Lige Tinnon.

Q Were you ever connected with Tinnon? A No, sir, never that I heard of; I want to make a little explanation.

Mr. Smith: The question is, whether you ever went by the name of Tinnon? A Yes, sir.

Commissioner: You changed your mind in the last minute or two?

A I can tell you how that happened; in the beginning of the war Mr. Tinnon taken me to the army and Mr. Waite hired me in the Cherokee Nation, there he put me in the charge of Stand Waite.

Q You went by the name of Tinnon at that time? A Yes, sir, at that time.

Mr. Hastings: Where did you first see Jim Alberty? A I saw him in the Cherokee Nation.

Q When was that? A That was in, well I expect it was about 62 or '5, I can't tell exactly when.

Q During the war? A Yes, sir, during the war.

Q Where did you first see Mose Hardrick? A I first seen Mose Hardrick in Stand Waite's army.

Q During the war? A During the war.

Q When was the first time you ever saw Stand Waite? A I saw Stand

Like Waite - 8.

Waite when I was a little kid, I don't know how old.

Q How long before the war? A Some ten or fifteen years, maybe that long.

Q Did you live with Stand Waite ten years before the war? A No, sir.

Q What was your old Mistress named, Mrs. Tinnon? A I don't know what her name was.

Q Do you know Hugh Tinnon? A Yes, sir, I know him.

Q You belonged to his mother? A No, sir; if I did I didn't know it.

Q Do you know Jim Tinnon? A I did.

Q Did you know him when the war came up? A Yes, sir.

Q Did you belong to his people? A No, sir, I didn't know that I did, I don't think I did.

Q Well, tell us what you know? A I can't tell you, I don't know it, that is a fact.

Q How old were you when the war came up? A I don't know, I was quite a boy, I was able to cut wheat with a five finger cradle.

Q Where were you living? A In Arkansas.

Q When the war came up? A Yes, sir.

Q You joined the army when General Blount came through there?

A No, sir, never joined the army in my life.

Q In what place in Arkansas were you living? A I don't know, I don't know whether I was in Arkansas or New Jersey only they called it Arkansas.

Q That was the other side of ~~the river~~ Maysville?

A Yes, sir.

Q Near Maysville? A Yes, sir.

Q How far was that from Maysville? A I can't tell you that.

Q Two or three miles? A I don't know, might have been.

Q How long had you been living at that place when the war came on?

A I can't tell you.

Q As far back as you can remember? A Well I might, I don't believe I do because I was to Maysville some of the time.

Q Either in that place in Arkansas or in Maysville, you lived clean up to the war? A Yes, sir, and sometimes lived in the Nation when I was little with Mr. Fields and Mr. Brach Nicholson, when I was a boy; the first thing I remember was setting up ten pins in town.

Q That was on the other side? A Yes, sir, but I lived in the Nation.

Q Who was Jim Fields wife at that time? A I don't know sir.

Q Was he married at that time? A I don't know sir.

Q Who were you staying with over there in Arkansas? A The Tinnons.

Q What Tinnons? A Why Jim Tinnon and the Tinnons generally.

Q Jim Tinnon or Hugh Tinnon? A Hugh Tinnon and Jim Tinnon, among the family.

Q You stayed with them? A Yes, sir, among the family.

Q You don't remember how long you were there or how old you were when you started to live with them? A I started from my birth I reckon.

Q And you were living with them when the war came up? A Yes, sir.

Q And that was in Arkansas? A Yes, sir.

Q You knew whether the Tinnons were Cherekees or citizens of the United States? A I can't tell you that only by hearsay.

Q You been up in Ottawa, Kansas? A Yes, sir.

Q When was the last time you were living up there? A About twenty years ago, maybe longer.

Q Married up there, were you? A Yes, sir.

Q What was your wife's name? A Mary Bell.

Q How many children born up there? A Two.

Lige Waite - 4.

Q What year were you married? A I don't know about that.

Q How long after the war? A I don't know about that.

Q What is your eldest child? A His name is Will.

Q How old is he? A About 28 years old, if he was living, I reckon.

Q Where is he? A He is dead.

Q He was born in Kansas? A Yes, sir.

Q Is he on any of these rolls? A Yes, sir, Wallace and Clifton both.

Q What was his name? A William Bell, he went by his mother.

Mr. Hastings: I would like to have the rolls examined and see if there is a Will in that family of Elijah Tinnon, to see what his age is.

The Wallace roll and the name of Will Bell found thereon, age given as 28 years.

Q You say he was born in Kansas? A Yes, sir.

Q What town? A Ottawa.

Q Did your first wife die up there? A The one I had then, she died here.

Q She was the mother of Will then? A Yes, sir.

Q And you came here you say about 20 years ago? A Yes, sir, longer than that I expect.

Q You came to Chelsea? A Yes, sir, Vinita, and Fort Gibson and everywhere I could go.

Q When you moved down here, where did you come to locate? A When we came, I had no place particular to locate, she moved down to her aunt's on Grand River.

Q You came here I think you said about twenty years ago from Ottawa, Kansas? A Yes, sir.

Q Did you bring these children with you, Will and the others? A Some of them I did, some of them were here.

Q When did you see Mose Hardrick after the war was over? A Saw him in '86.

Q Where? A Down to Fort Gibson, I think it was in Fort Gibson.

Q What were you doing there? A I went there and worked in the hay field in the fall of '86.

Q Who were you working for? A An old man had a government contract by the name of Martin, and Martin soon.

Q What direction from Fort Gibson was he putting up the hay? A On this side, I suppose it would be north.

Q You see Mose up there? A No, sir, in town, I think I saw Mose there.

Q Spring or fall? A It was along in the summer, I have forgot just when.

Q Where did you see Jim Alberty first after the war? A Saw him at Fort Gibson.

Q What time did you see him? A It was in '86.

Q What time of the year? A Along in the summer or fall, I don't know which, spring time, I didn't particular notice the time or dates.

Q You know what ~~business~~ ^{business} that was? A No, sir.

Q Know any of his family? A No, sir.

Q Know what sort of a house you lived in? A No, sir.

Q You never went to his place? A No, sir, never went to his place, he had me in the army, I stayed in that until he I was freed. Commissioner; In which army? A In Stand Waite's army, I called it the Indian Army.

Q Northern army or Southern army? A Southern army.

Mr. Hastings: What time did you see Jim in the Cheate Nation?

A I told you it was in '82 or '83, I am not positive, but I think it was in '82, '82 or '83, I think it was one of them.

Q You never saw any of these fellows before the war?

Lige Waite - 2.

A I saw Jim when I was a boy.

Q Where? A Up in Maysville.

Commissioner: Where is that, Arkansas? A Yes, sir, I have seen none of them Finneys since I left there at the commencement of the war.

Mose Hardrick, being duly sworn and by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Mose Hardrick.

Q How old are you? A 71.

Q Where do you live? A Live over here on Pryor Creek in Coowees-coowee district.

Q How long have you lived in the Cherokee Nation? A Pretty near all my life.

Q Do you know this applicant, Elijah Tinnen or Waite? A Yes, sir, I known him a right smart while.

Q When did you first get acquainted with him? A When he was going to Pea Ridge battle under Col. Waite.

Q Where did you see him there? A On the Barren Fork mountain.

Q Where is that? A Away over here in the Cherokee Nation.

Q Did you see him once, or more than once, at that time? A Only once.

Q When did you next see him after that? A It was quite a number of years, I can't tell just exactly how many.

Q After the war? A Yes, sir.

Q About how long after the war? A It was a number of years.

Q Where did you see him then? A Down here on Panther Creek.

Q In the Cherokee Nation? A Yes, sir.

Q You know where he lives now? A Yes, sir, he lives over on the same Creek where I seen him at.

Q Where was he living at the time you saw him on Panther Creek?

A I say that is the same place, on Panther Creek.

Q Was he living there then? A Yes, sir, I saw him after he moved there.

Q You didn't see him any more till you saw him living on Panther Creek? A No, sir.

Q You remember how many years ago that has been? A No, sir, I don't.

Q You didn't know him before the war? A No, sir.

Commissioner: What year did you see him on Panther Creek? A I can't tell you just what year, I don't know any dates.

Q About how long after the war? A It was quite a number of years.

Q Five or six years, ten years? A I guess it was five or six anyway.

Q At least that? A Yes, sir, I think it was that according to my knowledge.

Mr. Hastings: Living there with his wife when you saw him? A Yes sir.

Q That is the first time you saw him after the war? A Yes, sir.

Q And that is the first time you saw him since you saw him on Barren Fork hills during the war? A Yes, sir.

Mr. L. B. Bell, Cherokee attorney: Where was Barren Fork hills? A Down across the Illinois River in Illinois district, when Waite and General Drew was going to Pea Ridge fight, I was hauling logs over there to a saw mill and the teams couldn't pull the loads up the hill and old Mose sent me to help the teams pull over the hills.

Q You say Waite's regiment was riding with the troops?

A I saw Waite.

Q This Waite here? A I saw Waite and talked with him.

Q What year was that? A I don't know what year it was, you I

Lige Waite - 8.

know I didn't know no dates at t at time, I wasn't allowed to pick up a book.

Q You don't pick up books now but still you hear days and dates.

A I hear dates but I can't keep them in my head.

Lige Waite, recalled, testified:

Mr. Bell: What were you doing in Waite's army? A Driving a team.

Q All the time? A Yes, sir.

Q Where did you begin driving a team? A I started when this livvie fight over here on the hills, old Fort Wayne, there was a squad of his man took a gun down to this place, and there is where this man is talking about.

Q What time of the year did you begin driving teams? A In '61.

Q What time of the year? A I don't know, it was along in the summer, summer or spring.

Q You are certain it was in the summer or spring? A I know it was that time of the year; so far as the day or hour is concerned, I don't know.

Q You can tell whether it was freezing or hot weather? A Well it wasn't freezing, but it is a long time to carry it in my hand, these things, I can't do it.

Q Where did they take you from Fort Wayne? A They camped to this place they are talking about, I don't know, down in the Nation somewhere where this man pulled us out.

Q They took you down there where this man pulled you out you say?

A Yes, sir.

Commissioner: Where was Fort Wayne? A That was in the Cherokee Nation.

Mr. Hastings: Was Hugh Tinnon a captain in Waite's regiment? A I can't say whether he was or not, I think he was a captain in some kind of people but he never stayed with the army, he was captain of these fellows they had out guarding the western borders.

Q I thought you said in your testimony that you say Mose Hardrick in '65 or '66 at Fort Gibson? A Didn't I say that I might be mistaken, I said I might have seen him there.

Jim Alberty, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Jim Alberty.

Q How old are you? A 70.

Q Where do you live? A Saline district.

Q In the Cherokee Nation? A Eight miles east of Chouteau, Cherokee Nation.

Q Do you know this man, Elijah Tinnon or Waite? A Yes, sir, I know Tinnon.

Q How long have you known him? A I expect I have known him over 30 years.

Q When did you first get acquainted with him? A First got acquainted with him at Tinnons not far from Maysville there.

Q When was that with reference to the war, before or after? A Before the war.

Q Do you know whether he was during the war? A No, sir.

Q When did you see him first after the war? A I saw him; you say do I know where he was during the war?

A Yes? A No, sir, not during the war.

Q Did you see him at any time during the war? A I saw him just before the war.

Q I am talking about after that, during the war, or after the war when you next saw him? A Yes, sir, I saw him once during the war.

Like Waite - 7.

Q Where? A Why down south driving teams, that is where they had me at.

Q Driving a team, who was he with, with anybody? A He was driving a team for Waite.

Q What Waite was that? A Old Stand Waite.

Q When did you see him then next after that? A Seen him here at Fort Gibson.

Q When? A It was early, it was about '66 or '67.

Q What was he doing there at Fort Gibson? A Just knocking around, anything they would let him do, he was just working.

Q You know how long he stayed in Fort Gibson? A No, sir, I don't.

Mr. Hastings: You first saw him during the war or since the war?

A Yes, sir, just in war time.

Q How long after that was it till you saw him again? A I don't know, give me time and I will tell you as near as I can; it must have been five years.

Q The next time you saw him with his wife? A Yes, sir, the next time I saw him with his wife.

Q Where was he living then? A Here at Chelsea then.

Q On the hill north of Chelsea, isn't it? A Yes, sir, I think it is, two or three miles north of Chelsea.

Q Two or three miles north of Chelsea? A Well north or west, I don't know which.

Q About how long ago was that you saw him there? A Well I don't hardly know how long that has been, it has been several years though.

Q Well, your best judgment as to how many years? A Well, that is the best of my judgment.

Q I want to get it down there about how many years ago you saw him? A That is as near as I can give it.

Q You think as much as 15 years ago since you saw him there north of Chelsea? A No, sir, it hasn't been 15 years.

Q Well, has it been 10 years ago? A Well I can't say, because I don't know, but there is where I saw him, I gave you the best I know.

Q Well now your best judgment as to how long ago it was? A It might have been eight years ago, I don't know.

Q That is your best judgment? A Yes, sir.

Q That is the next time you saw him after you saw him at Fort Gibson? A Oh now you are getting it wrong; that is the first time I ever saw him up here to his home.

Q But now when did you see him next after you saw him at Fort Gibson? A I saw him off and on all along, just in passing.

Q Where did you see him off; you saw him off, I am going to ask you where you saw him off and then where you saw him on? A I can't talk that.

Q Where did you see him next after you saw him at Fort Gibson? A I saw him making rails all about.

Q That off? A I don't know.

Q Where was he making rails? A In the bottom below Gibson, on this side of the river, down there in the bottom.

Q About how long after that before you saw him around Gibson? A I didn't see him around Gibson any more, I saw him at work though in the woods down there.

Q That was in '66 or '67 you said, along about that time? A Along about that.

Q You are not positive as to the date of that? A No, sir, I am not positive.

Q You knew him before the war, did you? A Yes, sir.

Q You saw him at Tlanema? A Yes, sir.

Q Was that about the time the war came up or before? A It was before.

Q About how long before? A I don't know, ten or fifteen years

Lige Waite - 8.

maybe, I have knowed him a mighty long time.

Q You saw him ten or fifteen years before the war? A Yes, I guess so.

Q At what Tinnons was that? A Why I don't know the names, just Mr. Tinnon is all I know.

Q Was he a Cherokee or a white man? A No, sir, white man.

Q Where did he live? A Sometimes to Maysville and sometimes on their place.

Q Where did you see him, know him to live? A I have knowed him to live to Maysville.

Q Is that in Arkansas? A Yes, sir, that is in Arkansas, right on the line.

Q When was the last time you saw the applicant just before the war?

A I can't tell you just when it was because I don't know.

Q How large was he when you saw him there the first time ten or fifteen years before the war, about how old was he? A He was larger than he is now, I don't know about his age.

Q That is when you first saw him? A Yes, sir, he was a fleshy man then.

Q Was he married before the war? A Well I can't tell.

Q You don't know about that? A No, sir, don't know whether he was ever married or not.

Commissioner: You say the first time you saw this man was at Maysville, in the State of Arkansas? A Yes, sir.

Q He was living with the Tinnons? A Yes, sir.

Q Tinnons white men? A Yes, sir.

Q On a plantation, or farm? A He was about town, I don't know whether he had a farm or not.

Q Did Tinnon live in the town? A I saw him there, I don't know whether he lived there or not, I never saw Tinnons.

Q You say you saw him with Tinnons? A Yes, sir, his old Mistress Tinnon that used to be, he used to drive the carriage.

Q That is old Mrs. Tinnon in Maysville, Arkansas? A Yes, sir, there is where I first knew him.

Mose Riley, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Mose Riley.

Q Where did you live? A Chelsea.

Q How long have you lived in that neighborhood? A Between 21 and 22 years.

Q Do you know this man, Elijah Tinnon, or Elijah Waite? A Yes, sir.

Q This applicant? A Yes, sir, I know him.

Q Know where he lives? A Yes, sir, he lives down there close by me.

Q How long has he been living in that neighborhood? A I don't know sir exactly how long, he has been living there quite a bit.

Q Give us your best judgment? A I expect between 15 and 16 years there.

Q And did you know him before that? A I saw him before that, yes sir.

Q How long before that? A Oh it was quite a while before that.

Q Where did you see him? A In Salina now.

Q Give us your judgment as to how long ago that has been; was it before or after you moved up in the Chelsea neighborhood? A No, sir, I was still living there, my father was, and he stayed that night at my father's house.

Q When? A It must have been in '66 or '7 some-where along in there.

Q You can't give the exact time? A No sir, I can't know exactly, but it was right along there some-where he stayed all night at the

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old McNair place with us.

Q Where was that? A In Saline district.

Q Cherokee Nation? Yes, sir.

Q You didn't know him before the war? A No, sir, I didn't know him.

Q You don't know anything about who he belonged to? A No, sir.

Mr. Hastings: Was his wife with him? A No, sir.

Q A single man? A I don't know whether he was single.

Q Which way was he going? A Going up the country when I saw him.

Q North or south? A Going up the river he said.

Q How old are you now? A I am about 51.

Q You had never seen this man before? A Not to know him.

Q You know what time of the year it was? A I disremember whether it was before Christmas or after Christmas now.

Q Your father had made a crop on the McNair place that year? A Oh yes.

Q Mrs. Martin Thompson was living there at that time? A Yes, she was living there I believe.

L. B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A L. B. Bell, 62 years old, postoffice, Whites.

Q Where did you live before the war? A I lived up on Beattie's Prairie, Cherokee Nation.

Q How far is that from Maysville? A About three miles or two and a half.

Q Is Maysville in the State of Arkansas or the Cherokee Nation? A Well it was in Arkansas, there was a few houses on the Cherokee side, these fields had a little place there.

Q Did you know Sattintons who lived over there about Maysville?

A Yes, sir, Hugh Tinnon, William Tinnon, and Jim Tinnon, three brothers.

Q You knew their father? A ~~Mean~~ their father died about '47.

Q Did you know their mother? A Yes, she had married a man named Alexander.

Q Did these people live in Arkansas or the Cherokee Nation?

A They lived out a mile or two from town in Arkansas.

Q Were they citizens of the Cherokee Nation? A No, sir.

Q Were they Cherokee? A No, sir.

Q Never were recognized as citizens of the Cherokee Nation? A No they never pretended to be.

Q Never lived in the Cherokee Nation? A Never pretended to.

Commissioner: Did you know the applicant at that time? A No, sir, I knew they had some slaves, but I didn't know him.

Q They were slave holders? A Yes, sir, they had some slaves.

Mr. Hastings: Did Waite hold some office in the Army? A Stand Waite was first colonel of a Cherokee Regiment in the Confederate Army, and afterwards a Major-General; his regiment was organized first in October, '61, that is my recollection about it; I belonged to it.

Commissioner: He was a Cherokee? A He was a full Cherokee, a full blood Indian; he was my uncle.

Q He a slave holder? A He was a slave holder.

Q He was your uncle? A Yes, sir.

Q You acquainted with his slaves? A Pretty much.

Q You ever knew the applicant to be a slave of his? A No, sir, he never had one named Elijah that I know anything of.

Q You were a nephew of Stand Waite? A Yes, sir.

Q You were well acquainted then with his family? A Yes, sir, I stayed at his house a year and went to school.

Like Waite - 10.

Q You knew some of his slaves I suppose? A Yes, he had one negro woman a few years before the war, Dan Thompson's wife, and he had a woman named Mary, and he had one other, I forget her name, and they had some children.

Mr. Smith: When did you go to Texas, Mr. Bell, what year? A Well I took my slaves down there in 1861, or rather sent them; we had a whole lot and a farm there since 1840.

Q Where were you living when the war commenced? A I was living right on Beattie's Prairie.

Q In the Cherokee Nation? A In the Cherokee Nation, yes, sir.

Q Did you ever live in Texas before the war? A Yes, I went to Texas in 1853 and stayed there at school two years, and then I was t here in '57 and '58 and '60.

Q And where was Stand Waite living? A Stand Waite was living first on Honey Creek.

Q He lived in the Cherokee Nation did he? A Stand Waite lived in the Cherokee Nation all his life I reckon.

Q He didn't live in Texas at all? A Yes, he was alive in Texas when he would be there.

Q Well, Stand Waite lived then in the Cherokee Nation up to the time of the war? A He lived continuously in the Cherokee Nation you might say.

Q You say you were pretty much acquainted with his slaves; can you state you knew all the slaves he had? A No, I gave you my best effort a while ago when I enumerated them that I knew.

Q What I mean, you can't state positively that was all he had, the ones you enumerated? A No, that is about all he had in sight though.

Q All you know of? A Yes.

Q But for the three years previous to the war you had been in Texas and he had been here? A Well, the time I lived in Texas was just ~~the time we were at~~ a matter of business, going down to look after our business and back, my home was at Beattie's Prairie, I worked there, I lived there.

Q You went to school back in Texas? A In 1853 I went there for my health and went to school, and after that I came back and married and lived right at Beattie's Prairie until the war sent me back to Texas.

Commissioner: How far from Stand Waite's? A About ten or 12 miles, about 15 miles, near the mouth of Honey Creek; I sold goods right there in my establishment right up to the war.

Commissioner: Elijah Waite applies for the enrollment of himself. He avers that he was the slave of one Stand Waite, and during the war he was employed in both the Federal and Confederate armies. He returned to Fort Gibson in the Cherokee Nation in the year 1865; that he married in the State of Kansas and returned from the State of Kansas to the Cherokee Nation about twenty years ago. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1890 or upon the Kern-Clifton roll. He is identified upon the Wallace roll as Elijah Tinnon. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card to await further consideration of the Commission. He will be notified by mail of the action of the Commission in the premises.

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King, White - 11.

Grace F. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Grace F. Jones

Sworn to and subscribed before me this 11th of July, 1901.

[Signature]

Commissioner

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AND TRIBES.

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File with C.F. D-921.

SUPPLEMENTAL: D921.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ex Vinita, I. T., October 2, 1901.

In the matter of the application of Elijah Watie for enrollment as a Cherokee Freedman.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

SILAS PIERSAL, being sworn, and examined by Commissioner Breckinridge, testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, atty's for applicant;
Mr. Hastings, of attorneys for the Cherokee Nation.

- Q What is your name? A Silas Piersal.
- Q What is your post-office? A Ottawa, Kansas.
- Q How old are you? A 65 years old.
- BY MR. HASTINGS:
- Q When did you first move to Ottawa, Kansas? A I moved there in '66, I was first there in '65, but I didn't move there until the spring of '66.
- Q Have you lived there since that time? A Yes sir, continuously.
- Q Did you know a colored man who went by the name of Elijah Tinnon?
- A Yes sir.
- Q Where did you know him? A Ottawa, Kansas.
- Q Did he have a wife? A Yes sir.
- Q What was her name? A Her name was Mary Tinnon.
- Q Did he have some children? A Why he had some boys I think he had 4 boys.
- Q You remember their names? A One was named Will and the other was Lula and I think George and I don't know the other one; I can't remember the other's name.
- Q How long did you know Elijah Tinnon? A Well I can't be positive as to that, I think I knew him probably 12 or 15 years.
- Q Where? A Ottawa, Kansas.
- Q Was he living there? A Yes sir.
- Q With his wife and family? A Yes sir.
- Q About when did he leave there? A Well sir, I don't know positively when he left there, but I think he left there about '80 or '81 or '82, or somewhere along there. From the way I connect that positively, there was a woman come there living there, Mrs. Brown, came there 21 years ago, and she said when she came there Lige Tinnon was there, and moved away some time after she came there.
- Q Then he would have moved away some time after 21 years ago? A Yes sir.
- Q Which year would make it some time after '80? A Yes sir, probably '81 or '82; it might have been later than that; I don't know.
- Q You had known him I believe you said 12 or 15 years before that?
- A Yes sir, I think that I had known him that long; I couldn't swear positively how long I knew him.
- Q What was he doing there? A He was working there mostly I think.
- Q Did you see him frequently? A Oh yes sir, used to come in my place of business and get lunch very frequently.
- Q What business were you engaged in? A In the Grocery and bakery business, and baked these big Lincoln Pies and everybody come in after that; used to eat a great deal of that.
- Q Do you remember when you first learned to know him? A Well sir, I can't say as to the exact time; I might have known him in '66 and it might not have been until '69; I couldn't say, I couldn't swear as to that.
- Q You didn't know him until after you come to Ottawa? A No sir.
- I never saw him until I come to Ottawa.
- Q Did you miss him from there any considerable time after you first knew him until after he left there as you stated awhile ago?

Elijah Watie et al 2

A He left there and then after he had been gone a ~~year~~ while he come back on a visit; I know I met him on the street and asked him where he had been and ~~where~~ etc., and he said down in the Territory.

Q Down in the Territory? A Yes sir, I think so.

Q That was after he left in '80 some thing? A Yes sir.

Q But I mean in the time you first saw know him until after '80 when he left there, did you know him all that time? A Yes sir, I knew him up until about '80 or '81 or '2, somewhere along there.

Q Lived there with his family? A Yes sir.

Q You knew him by what name there? A Lige Tinnon.

Q Did you ever hear him called any other name? A No sir, never did.

BY MR. SMITH:

Q Well, Mr. Piersal, you don't know the beginning of your acquaintance with Tinnon, whether it was '69 or what year it was?

No sir, it might have been '66 and it might have been '69, I won't say as to that, positively.

Q From that time on up until the time he left there you say in '80 was he there all the time or not? A Yes sir, he was there all the time.

Q How is that? A I would think he was there all the time.

Q I know, but what do you know about it? A ~~He~~ well he would be in my place of business every once in a while and I would see him there off and on every once in a while, and I didn't know of his going away.

Q You had no especial reason to observe his goings or comings did you? A No sir.

Q Have you ever testified against him at any time before? A No sir.

Q Did you ever have any occasion to think about whether he was there all the time from the time you first knew him until '80 or not, until recently? A No sir, not until a few days ago.

Q Now that has been something over 20 years ago can you state of your own knowledge that he was not away from there during that period of time? A No sir, I couldn't state that he was not away from there; he might have been away from there; I couldn't swear as to that.

Q The only way you have of fixing the date as being up until '81 is by what some woman told you? A Yes sir, this woman came there about 21 years ago; she worked for me about 10 years.

Q You don't know that she came there 21 years ago, but you were talking with her and she told you she had been there 21 years?

A Yes sir, she told me that and that Lige Tinnon was there when she came.

And you are basing your statement just upon what she said? A Yes sir. Because I don't know positively what time she was there, but I feel positively that he was there 12 or 15 years. There was a little circumstance happened one time; his partner and this Smith Ewing, and Lige was partners in well digging, and I had some chickens roosting on my place and Smith Ewing got after them one night and was stealing them and I caught him at it, and I used to twit Lige by asking him if Smith divided the chickens with him and Lige would always laugh about it and said he never divided with him.

Q But you can't state what date that was? A Well from circumstances; my father-in-law and I were in partnership together; it must have been about '72; but I was acquainted with him a long time before that.

Q And for some time after that? A Yes.

Q But you can't state of your own knowledge when he left there?

A No I can't state that, I don't know positively when he went.

BY COM' R BRECKINRIDGE:

Q When did you first go to Ottawa? A I went there to live in '66 I was there in '65, October, but I didn't go there to live until

Elijah Watie et al 3

the spring of '66.

Q Do you remember seeing this man Elijah Watie soon after you went there? A I haven't got him in my mind as Watie.

Q You knew him as Tinnon did you? A Yes sir.

Q How long had you been in Ottawa before you met this man? A I am not positive, but I think not latter than '79, I mean '69, it might have been ~~about the first~~ in '66, I don't know.

Q And you state that then he left that part of the country along some time after '80? A Yes sir, I would think about that time.

Q Have you any distinct recollection of seeing him continuously in the country from say along in '69 until along about '80? A Nothing more than he traded with me and was in my place of business took lunch very frequently, and we used to josh each other a good deal.

Q Do you remember missing him from the community for a considerable length of time? A No sir, not until after he come back and I had missed him for some time.

Q When was that? A Not a great while ago, probably 10 or 15 years ago; I met him on the street and asked him where he had been keeping himself and he said down in the Territory.

Q How long did he stay up there at that time? A I don't know, I met him probably twice on the streets and then I have never seen him since.

Q How long was that after you spoke of his being gone the first time in '80 along there some where? A I don't know sir, he might have been gone two or three years, I was surprised to see him there and asked him where he had been keeping himself and he said down in the Territory.

COMMISSIONER BRECKINRIDGE: This will be filed as supplemental testimony in Cherokee Freedmen doubtful case 921, and also Cherokee Freedmen doubtful case, 949.

L.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

L.D. Green

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 7, 1901.

In the matter of the application of Elijah Watie for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Mellatte & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

JAMES TINNIN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A James Tinnin.

Q What is your postoffice? A Maysville, Arkansas.

Q How far do you live from Maysville? A Well, it is a mile north.

Q Well, how long have you lived there? A I have lived there all my life, all except during the war.

Q You lived there before the war? A Yes, sir, raised there.

Q What is your father's name? A Lemuel Tinnin.

Q What is your mother's name? A Mary.

Q Name your brothers? A The oldest, Thomas, Hugh, William, and there is four of us.

Q And yourself? A Yes.

Q When did your brother Will die? A He died in '62.

Q Your brother Hugh died since the war? A He died since the war.

Q Did you or any of your family own a colored man by the name of Elijah? A Lige, we owned a boy by the name of Lige.

Q About how old was he when the war came up? A Well, the best I recollect, Lige was about 16 or 17 years old when he left.

Q Now tell the Commission here what became of Lige? A Well, when Blunt's army came in there why Lige went off with the army.

Q Where were you? A I was at home when they first came in, but I taken ~~the~~ the stock and started with Lige out in the woods, and I had no blankets to sleep under, and I went Lige back to the house to get blankets and Lige never came back, I never saw him no more.

Q He didn't bring the blankets? A No, sir, he sent the blankets by his younger brother.

Q That was General Blunt's army, came through during the Civil War? A Yes, sir.

Q Where was that? A That was at Maysville.

Q Arkansas? A The skirmish was in the Nation.

Q Where were you living? A I was living in Arkansas.

Q Now who owned Lige at that time? A Well, in the division why Lige went to me and my brother William.

Q Where was your brother William then? A He was a soldier in the army.

Q You had remained at home yet? A I had been out with the troops the state troops, and been discharged, and came home about the time General Blunt came in.

Q And you were trying to protect your property by taking it away? A I was trying to protect the mules and horses and I run them out in the hills.

Q And you sent Lige out for some blankets? A Yes, and he never came back any more.

Q Did you ever see Lige after that? A I never saw him any more.

Q Didn't you see him five years ago when we were around with that Kern-Clifton Commission? A No, they said he had been here but I didn't get to see him, he had went back home.

Q What was your citizenship, you a white man or a Cherokee? A I am a white man.

Q You never claimed any Cherokee citizenship? A No, never claim

ed any.

Q You have always lived in Arkansas? A All the time.

Q You ever sell this man to General Watie? A No, sir; or the boy rather; I don't know anything about the man now; I know what you have reference to.

Q You people always just called him Lige? A Yes.

Q You called your slaves by the first names anyway, didn't you?

A Yes, sir.

Q Well, your family was the only family of Tinnins that lived around Maysville? A Only family, yes, sir.

Mr. Mellette: Well, who is your brother William, I mean what citizenship did he have? A He was my brother.

Q Was he a citizen of the Cherokee Nation? A Citizen of Arkansas.

A Didn't live in the Indian Territory? A No, sir.

Q Claim citizenship there? A No, sir.

Q Did this man Lige Tinnin never belong to Stan Watie? A The Lige that we owned never belonged to him.

Q The Lige that you owned never belonged to Stan Watie? A No, sir.

Q Do you know that the Lige you owned is the one who is applying here for citizenship? A No, sir, I don't, I don't know Lige Watie.

Q The one you are speaking of never went by the name of Elijah Watie, did he? A No, sir.

Q It may be a different man then? A I don't know anything about Elijah Watie.

Mr. Hastings: How long did you know this Lige? A Why he was raised there on the place, the family of them, his mother; well his father didn't live on the place.

Q He had been raised on the farm? A Been raised right on the farm.

Q What was his mother's name? A Charlotte.

Q You say this man's mother was Charlotte? A Charlotte.

Q Did you have any other Lige in your family when the war came up?

A No, sir.

THOMAS CAWOOD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Thomas Cawood.

Q What is your postoffice? A Maysville.

Q Arkansas? A Yes, sir.

Q How long has that been your postoffice, with the exception of the war? A About 53 years; well it isn't that.

Q Well it has been since the war? A Well before the war and all I have been there about 57 years.

Q Before the war and afterwards? A Yes, sir.

Q Well, with the exception of the intermission of the war you have been there for that length of time? A Yes, sir.

Q Do you know this witness, Jim Timin, that left the stand?

A Yes, sir.

Q What relation, if any, is he to you? A Not any.

Q How long have you known him? A We were raised together.

Q You knew him before the war? A Yes, sir.

Q How far did you live from him when the war came up? A Lived in about a mile and a half I reckon.

Q Do you know whether or not he had a slave by the name of Lige?

A Yes, sir, he had a boy by that name.

Q Do you know what became of him? A Why he ran off when Blunt came in there.

Q Did you know Lige's mother? A Her name was Charlotte, that is what they said.

Mr. Mellette: Did you know a man by the name of Bill Timin? A Bill Timin, yes, sir.

Q Do you know whether Bill Timin took this slave, Watie, or Elijah Tinnin, and turned him over to Stan Watie at the beginning of the war?

A No, sir, I do not.

Q Where is Bill Tinnin? A He is dead.

James Tinnin, recalled by attorney for applicant, testified as follows:

Mr. Mellette: Mr. Tinnin, you say Bill Tinnin was a part owner of this slave, Elijah? A Yes, sir, me and him both together.

Q Do you know whether Bill Tinnin took this slave and delivered him to Stan Watie in the Cherokee Nation about the beginning of the war? A He never did.

Q How do you know he didn't? A I would have objected to it.

Q Well, but suppose he would have done it without you knowing it?

Q He didn't do that, he wasn't at home, he was a soldier.

Q Well, as a soldier, how do you know he didn't do it? A By being at home and Lige was at home.

Q Where was Bill? A He was in the Confederate army, he was in Arkansas a portion of the time.

Q He was around there in that country wasn't he? A He was down in Arkansas and Missouri together.

Q Well, did he come back home sometimes? A Well, I believe he got a furlough once and came home.

Q Isn't it a fact that this slave Lige was with Stan Watie and waited on him a part of the war? A I don't know anything about it if he did.

Q You don't know anything about that? A No, sir.

Q When did you say he ran off from you? A Why he went off with General Blunt's army when they came in.

Q Well, that was about 1861? A No, I think it was the fall of '62.

Q Are you certain that was the time? A I am not positive about this because it is a long time to recollect you know.

Q Now, you will swear that Bill Tinnin didn't take Lige, the slave Lige, and deliver him to Stan Watie? A If he ever done such a thing I never knew anything about it.

Mr. Hastings: Did you ever join the army after that? A Yes, I joined an artillery company.

Q Were you ever in Watie's company? A Yes, I was in Watie's outfit.

Q How long after that, after Lige run off? A After I joined the artillery?

Q No, after Lige run off till you joined the artillery and was in Watie's company? A Why I can't tell you hardly about that.

Q Well, were you ever in Watie's company after Lige run off?

A Oh yes, sir, Hugh Tinnin had a company in his regiment.

Q Your brother? A Yes, sir, I got a transfer to his company.

Q Hugh Tinnin was a captain in Watie's regiment? A Yes, sir.

Q Are you quite sure about that? A Hugh Tinnin had a company in Watie's regiment.

Q You then was under Hugh Tinnin? A Yes, sir, I was in his company.

Q Did you ever see this negro Lige? A No, I never saw Lige any more after he left with General Blunt when he came in, that is the last I saw of Lige.

Q Where was Will Tinnin, your brother Will, when Lige run off?

A Why he was in the army.

Q He wasn't at home? A Wasn't at home.

Commissioner: This testimony will be made part of the record in Freedman D-949.

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Bruce G. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce G. Jones
Sworn to and subscribed before me this 11th of October, 1901.

[Signature]
Commissioner.

11. 1890

1. The first of the year was a very cold day, with a heavy frost, and the wind was from the north-east. The snow was very deep, and the roads were very slippery. The people were very busy, and the shops were very crowded. The children were very happy, and the old people were very sad. The weather was very bad, and the people were very angry. The government was very stupid, and the people were very poor. The country was very small, and the people were very few. The world was very big, and the people were very many. The future was very bright, and the people were very hopeful. The past was very dark, and the people were very sad. The present was very hard, and the people were very tired. The future was very bright, and the people were very hopeful. The past was very dark, and the people were very sad. The present was very hard, and the people were very tired.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of Elijah Watie, C. F. D. 921.

Appearances:

James S. Davenport for the Cherokee Nation.
Melleto & Smith for the applicant—

H. C. HANFORD, being first duly sworn by Com'r F. B. Needles, testified as follows on the part of the ~~applicant~~ Cherokee Nation:

(By Davenport)

Q What is your name? A H. C. Hanford.

Q What is your post office address? A Ottawa, Franklin County, Kansas.

Q How long have you lived there? A Since '88.

Q What is your age? A 44.

Q Since you have lived there did you ever get acquainted with a colored man named Watie Tinnen? A I was acquainted with Lige Tinnen that is what we called him there.

Q When did you get acquainted with him? A In '88 or '90.

Q How long did he live there after you got acquainted with him? A Some 15 or 18 years, he was gone off and on a great deal, but he had his family there.

Q Did he have a wife? A Yes sir.

Q What was his wife's name? A I can't recollect her given name.

Q They kept house there? A Yes sir.

Q About when did he leave there? A About 30 years ago I would say as near as I can get at it. —hold on, it has not been that long, not more than 17 years.

(By Smith)

Q All you know about it is that you knew some colored man named Lige Tinnen that lived in Kansas? A Yes sir in Ottawa Kansas.

Q You don't know that that is the same man who has applied here or not? A No sir.

Q The one you knew was not there all the time? A No sir.

Q He was there "off and on" as you call it? A Yes sir.

Q The beginning of your acquaintance with him was at what date? A '88 or '90.

(By Davenport)

Q You haven't met him since you came down here? A No sir I haven't, the Lige Tinnen I knew was a well digger.

Q You never knew a man there named Elijah Watie? A No sir.

(Stenographer's note)

Commissioner Needles, having been taken suddenly ill, the following judgment is rendered by Commissioner Breckinridge.

COM'R BRECKINRIDGE: A set of the testimony just taken in Cherokee Freedman doubtful #921 will be filed also in Cherokee Freedman case D-949.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 23th of October, 1901.

[Signature]
Commissioner.

80031

COMMISSION TO THE KING OF SWEDEN

Aug 1 1905
KIT

Signature: _____

(SEAL)

P. G. Bauler,
Notary Public.

Freed. D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of HERRI ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17206 filed in the Mariah Hayden case F. D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Elijah Watts, or Tison, D 881;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedman D 921.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elijah Watie as a Cherokee Freedman.

DECISION.

The evidence in this case shows that on June 28, 1901, Elijah Watie appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 2, October 7 and October 23, 1901.

It does not appear from the evidence that the applicant was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Elijah Watie as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 20, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904


Commissioner.

80
A. D. 1901
INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the

day of

A. D. 1901

Given under my hand this

day of

A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

day of

1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the

day of

A. D. 1901

Subscribed and sworn to before me

this

day of

A. D. 1901.

Notary Public.

~~NOTARY PUBLIC~~
FILED

SEP 13 1901

ATTEST CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Elijah Watie
for enrollment as a Cherokee citizen:

Case No. D 921

To Elijah Watie or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 7th 11 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 2 - 13 - 1901.

L B Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

FILED
MAR 24 1902

[Handwritten signature]
CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Elijah Watie,
Chelsea, I. T.
Cherokee F-D-921
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

13

35921

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 2, 1866*
 Post Office *Cherokee St.*
 District *600*

1. Name *Ernest W. Wate* Age *57*
 Owner's name *Ernest Wate* Citizenship *Cherokee*
 Year *Wallace* Page *186* No. *3413* District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife _____
 Owner's name _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by *W. M.* Stenographer *W. M. Smith*

On Wallace roll as Indian Territory

Presented by Mellette and Smith.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE

FILED
SEP 5 1901

ATTENDING CLERK

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 1907

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Wesley Hattie for en-
rollment as Cherokee Freedman.

Cherokee Freedmen #

A 921

Wesley Hattie
Att'y for applicant.

Cherokee F.D-921

Muskogee, Indian Territory, March 16, 1904.

Elijah Watie,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting your application for enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision. The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. C-39

COPY

Cherokee F.D-921

Muskogee, Indian Territory, March 16, 1904.

Edgar Smith,

Attorney for Elijah Watie,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Elijah Watie for the enrollment of himself as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. G-40

Cherokee F.D-921

Muskogee, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Elijah Watie for enrollment as a Cherokee Freedman, including the Commission's decision, dated March 5, 1904, rejecting said application.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. G-42

Cherokee P.D-921

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Elijah Watie for the enrollment of himself as a Cherokee Freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. G-41

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 15, 1904.

Land.

19276-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record of the application for enrollment as a Cherokee freedman by Elijah Watie.

March 5, 1904, the Commission decided adversely to the applicant.

The record does not show that the applicant was the slave of a Cherokee citizen, or a free colored person at the beginning of the war of the rebellion. He is identified under the name of Elijah Tinnon on the Wallace roll but not on any other.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.N.
V.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Y. P.
FHE

D. C. 41961-1904
I. T. D. 10614-1904.
LRS

WASHINGTON. October 29, 1904.

Commis on to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record in the matter of the application of Elijah Watie for enrollment as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter October 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

1 inclosure.

Secretary.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. B. BRACKENRIDGE,

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

D-921.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 9, 1904.

Elijah Watie,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 29, 1904.

Respectfully,


Chairman.

COPY.

Cherokee Freedmen

D-921.

Muskogee, Indian Territory, November 9, 1904.

Edgar Smith,

Attorney for Elijah Watie,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Elijah Watie, was affirmed by the Secretary of the Interior on October 29, 1904.

Respectfully,

(SIGNED) *Tamie Dixby.*
Chairman.

COPY

Cherokee Freedmen

D-921.

Muskogee, Indian Territory, November 9, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Elijah ~~Wattles~~ as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 29, 1904.

Respectfully,

SIGNED

Tame Dixby.
Chairman.

COPY.

Cherokee Freedmen

D-921.

Muskogee, Indian Territory, June 5, 1905.

Granville Bell,

Post Office Box No. 7,

Fort Leavenworth, Kansas.

Dear Sir:

The Commission is in receipt of your letter of May 28, 1905, relative to the enrollment and allotment of your father, Elijah Watie, as a Cherokee freedman.

In reply you are advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of your said father, was affirmed by the Secretary of the Interior on October 29, 1904.

Respectfully,

J. B. Bell
Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilised Tribes,

MUSKOGEE, IND. TER.



General Office

Cherokee Freed.

Elijah Watie,

Chelsea, Indian Territory.



Returned by Justice for 1890

160 P. 11

Cher.Fr. R-779

Cher.Fr. R-779

Trans. from Cher F.D 923

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1500, 1600, D-278, above roomed, D-279, and Room 202 in

File with C. F. D-223.

C. F. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 18, 1902.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKENS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. H. Nickens.
Q What is your age, Mr. Nickens? A 64.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
Q Was he living in the country or in town? A He was living in the country.
Q On whose place, do you remember? A On Isaac Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
MR. HASTINGS: Well, you knew him anyway? A I knew him.
MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
Q Did he lived around there somewhere? A He lived, he stopped—
MR. SMITH: I object to that because it is a leading question.
MR. HASTINGS: He stopped there where his father-in-law lived.
MR. SMITH: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '68, about the first of the year, it might have been that it was a little later or a little earlier.
Q First of what time? A '68.
Q Or '69? A It might have been that it was just the latter part of '68 that he moved; I knew that he lived there right on the same place until he moved.
Q Where did he move to? A He moved about four miles and a half from the farm that was known by John Todd's farm.
Q How far between him and town at that time after he had moved?
Q Have you occasion to see him after that time? A Yes, after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime. I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.

Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.

Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.

Q You might have seen Nelson Murrell later than that? A Why I might have.

Q That's as late as you remember? A Yes, sir.

Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.

Q Do you know where he claimed he was from? A He claimed he was from the Nation.

Q How far was that from the Cherokee Nation? A Whipt?

Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.

Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.

Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.

Q How about Joe Ross? A I saw him in '67.

Q Which was the older of the two men? A Nelson.

Q Was he a married man or a single man, Nelson? A Married man was what was my understanding.

Q Well, did you know his wife? A No, sir.

Q Don't know what her name was? A Do not.

Q Where have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '66, five miles west of Fort Scott, and still remain there.

Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.

Q Do you remember when all of them left or when each one left?

A I don't remember just when they left there, there is quite a good many of them that I know.

Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.

Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.

Q He may have left there sometime during the year of '66? A Yes, sir, he might have done, but I think it was the latter part of '66 or perhaps it was the first of '66.

Q Well, all you can testify to is that you saw him there in Kansas as late as '66, you don't know where he was before that all of the time? A No, I don't know where he was, but I know where he lived or where they said he lived, I don't know just where he was.

Q You don't know where he lived except from that was said? A Oh yes, sir, I know where he lived, he lived on the John Ford farm, and he lived on the Allen farm that I know of from '65 to '67.

Q And you were on the John Ford farm when he lived there? A Yes, sir.

Q Well, did you see him there? A Yes, sir.

Q See him? A I seen his house.

Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.

Q That was just your understanding; you didn't know it personally?

A Oh I seed them about the place, I know them well enough when I was passing there. I knew them when I seen them.

Q Why of course you know them, but did you see them when you was passing there? A Yes, sir.

Q Well, who did you see? A I see Nelson there.

Q Who else? A Why I have seen the family.

Q Well, you didn't know his wife? A No, sir.

Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.

Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.

Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.

Q What is your occupation? A Farmer.

Q Live in Kansas? A Yes, sir.

Q Lived there ever since the war closed? A Yes, sir.

Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.

Q Well, did Nelson work for you? A No, sir.

Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.

Q Well, Mr. Vickers, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about him, how long had he been gone? A Why I don't recollect, my recollection is just what I knew about the folks.

Q Well, nothing at all to you one way or the other about the time he left until some time ago, was there? A Why I knew what time, or about the time, I seed him, I don't pretend to say that he left at that time, the last time I do say that I saw him was in 1867.

Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly.

Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.

Q Well, when was that twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who told we might have talked about these folks, because there were parties of these folks that worked for me.

Q Well, when was it when you wasn't talking about him, he didn't work for you, did he? A No, sir.

Q The day you first talk with about Nelson Murrell twenty-eight or thirty years ago, was it? A The first talk I had was last fall I believe.

Q Well, did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.

Q Port Captain Murrell? A Yes, sir.

Q Well, I don't remember then just when Nelson had left there did you know that he left there in '67.

Q What was it that made you to refresh your recollection, if any, as to the time when he had gone? A I see the man in '65, and I saw him in '67, my recollection is good enough to know when I saw

a man at that time why I don't forget it.

Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.

Q Now about thirty years afterwards you just remember, say in 1888, whether he had left there in '86 or '87? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '87 and I saw him in '88.

Q You had nothing to fix that on your memory just except your general-- A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.

Q Well, now, tell me how Ross kept you posted about Nelson Murrell? A Well, Ross worked for me once, swapped horses with him at one time.

Q Joe Ross? A Yes, sir, Joe Ross.

Q Well, is that all--is that the only time you ever swapped horses up there? A Oh no, no.

Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.

Q Can't tell all the people you traded with? A Could tell part of them.

Q Can you tell me anybody since you traded horses with him '87 and '88? A Oh, traded a good many times, you recollect about '85 it was trading part of this country.

Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)

Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.

Q Do you remember when the Commission sat at Vinita, Indian Territory, where in the Cherokee Nation, taking testimony in these cases? A I do not.

Q Were you last October? A There was I? I was at home, sir.

Q About the time that they were talking to you about this case? A I don't recollect.

Q You know whether it was earlier or later? A I think it was in the fall.

Q Whether it was earlier or later than October? A I don't recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

Q Now, HARTMAN: What is your name? A Jasper Fortney.

Q How old are you, Mr. Fortney? A I am nearly 65, 64 past.

Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.

Q What your postoffice? A Yes, sir.

Q Do you live right in town? A Yes, sir.

Q I will ask you to tell the Commission when you came to Kansas, where you located there? A We landed in Bourbon County, Kansas, on the 11th day of April, 1868.

Q How far from Fort Scott? A Eight miles.

Q In what direction? A West.

Q Was that from either the town or the river at Hiramton? A From the Bend out there, one mile from the river; the direction is in a northwest direction there.

Q Did you know a man by the name of Todd? A John Todd, yes, sir.

Q Did you know a farm out there? A Yes, sir, several of them.

Q Did you know a colored man by the name of Nelson Murrell? A

Q How did you learn to know him? A The year of 1868.

Q Where you landed there? A Oh I should say, speaking at Vinita.

Q He lived a quarter of a mile west from where we

moved to.

Q On whose farm? A On John Todd's farm.

Q Do you know Joe Ross? A Yes, sir.

Q Where did he live? A He lived in the same house with Nelson Murrell.

Q How long did you continue to know Nelson after you located there? A Until the fall of the year '68.

Q Fall of the year '68? A I think that is the time, sir, that is the best of my remembrance.

Q Make a crop there on Todd's place? A Yes, sir.

Q Both years of '68 and '69? A I think so.

Q Did you know his wife? A Yes, sir.

Q Do you remember her name? A Murrell's wife.

Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.

Q Did you know Joe Ross's wife? A Yes, sir.

Q What was her name? A Sarah.

Q They lived there together? A Lived in the same house.

Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.

Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.

MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.

MR. HASTINGS: You only heard of that? A Only heard about it.

Q Through whom did you hear it? A Through my brother.

Q Did your brother know him up there? A Yes, sir.

MR. SMITH: I move to strike that out, being hearsay.

MR. HASTINGS: It is a circumstance by identification.

Q He lived in about a quarter of a mile did you say of you? A Yes, sir.

Q Were you married at the time you moved there? A Yes, sir.

Q To your present wife? A Yes, sir.

Q She is here with you? A Yes, sir.

Q Did Murrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Murrell would help on our farm and help when we needed help, and his wife helped our women with the housework.

Q Where did you come from to Kansas? A West Virginia.

Q And you weren't in Kansas then prior to April, 1868? A No, sir.

Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.

Q That is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.

Q Little past that age? A I am not able to.

MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '65? A No, sir.

Q Nor '66? A No, sir.

Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.

Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.

Q Didn't own any farm there did he? A No, sir.

Q Well, what kind of work was he doing? A Farm work.

Q What kind of work did he do for you? A Helped us with the farm work, making fences, helped to thresh, and so on.

Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.

Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.

Q Well, what kind of work did his wife do for your family? A Worked in the house, sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.

Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.

Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.

Q How old was she at that time? A How old was she?

Q About, yes, sir; was she a young woman, or middle-aged or old?

A Middle-aged I would say, 40 or 45 years old.

Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.

Q Well, how far did they live from you? A About a quarter of a mile.

Q During two years? A We came there on the 8th day of April, 1868, and they were there I think late in the fall of '69.

Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.

Q On whose farm? A John Todd's.

Q Well, what were you doing at that time? A I was farming.

Q How long did you continue to farm? A After that?

Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.

Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.

Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.

Q Was Merrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.

Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.

Q Well, why do you say he resided there all of the time? A His family was there, that was his home.

Q It was because this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.

Q Was he an old man or a young man? A I would think he was near 50 years old.

Q Where? A At that time, 45 to 50, somewhere along there.

Q Had you ever seen him since he left there? A No, sir.

Q You can't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.

Q In the reports go by the name, the man you knew, by the name of Nelson Merrell? A As far as I knew he did, yes, sir.

Q You never knew him by any other name? A No, sir.

Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.

Q What he told you? A Nelson Merrell.

Q I thought your brother— A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides farther than what my brother said. But I did know where he said he was going.

Q Who did he say it to? A Said it to me.

Q Where? A Just before he came down into the Territory.

Q Well, was down with him if any one? A Joe Ross, his son-in-law, and family.

Q That about the woman Aunt Liza, did she come? A Yes, sir.

Q Now when did you say that was? A Fall of '69 I think, sir.

Q The fall of '69? A Late in the fall of '69 that they came down

to this country or to the Territory, I won't say this country.

Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Murrell had grown a crop, grown on John Ross's farm, in '69, and my brother and I helped to harvest it and helped to thresh it, and so on.

Q In '69? A My brother cut the harvest for him; I helped in the field as a harvest hand.

Q When did you first think about the time he had left afterwards; how many years had it been? A I don't know that, sir, I don't know when I first thought about it.

Q Well, you have had some conversation about it since I suppose?

A Not until—nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.

Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.

Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.

Q Were you a witness then at that time? A No, sir.

Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Murrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.

Q Well, was the inquiry with regard to Murrell, as you state, or Murrell; you said Murrell as I understood you? A Well, sir, Nelson Murrell.

Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.

Q Well, would you say that it was Murrell or Merrell? A Well, after spelling it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.

Q That you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.

Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.

Q Well, would you get Merrell out of M-u-r-r-e-l-l? (No response)

Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '69 and 30 would be '99; yes, sir, thirty years, over thirty years since he left there.

Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.

Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date?

A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.

Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.

Q Now were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.

Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.

Q You don't think you could be mistaken about it? A No, sir, I think not.

Q How was that? A I think not.

Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that is my remembrance.

Q That's the best of your recollection at this time? A Yes, sir.

Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?

A Well, pretty nearly in that case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.

Q How many colored people do you suppose left that country since you went there? A I don't know.

Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.

Q Can you give the dates when they left, and of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.

Q Then you couldn't tell about the time when the majority of them went away? A No, sir.

Q What time in the year did you arrive there yourself? A 6th day of April, 1868.

Q Who did you bring with you? A Brought my family, and my father and his family.

Q Your wife and your own family and your father and his family?

A Yes, sir.

Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that country ever since.

Q Well, did you ever do any civil engineering after you went there?

A Yes, sir.

Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.

Q Commencing about how long after you went to that county? A I was county engineer elected in 1883, and was the county engineer for four years, and deputy engineer for four years more, did the work.

Q Well, up to that time had you done anything except farm work?

A No, sir, very little civil engineering prior to that time.

Q Did Ross and Murrell leave there together? A Yes, sir.

Q See them start? A Well, I know when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.

Q What did they take with them? A Took their families with them.

Q That else? A What little stock they had I think.

Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.

Q Didn't seem to be much of a job for them to move did it? A They came in wagons, had two wagons I think.

Q Had two families? A Had two families.

Q Took one wagon to move that one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows:

Q What is your name? A Vashey Fortney.

Q What is your age, Mrs. Fortney? A 62.

Q Is Mr. Fortney, who just left the stand, your husband? A Yes, sir.

Q Your post office is Fort Scott, Kansas? A Yes, sir.

Q Do you live in town? A Yes, sir.

Q Where were you born? A West Virginia.

Q Were you living in West Virginia during the late Civil War? A Yes, sir.

Q Were you married before or after the war? A Married just before the war broke out.

Q When did you come to the State of Kansas? A The spring of '68.

Q Your husband come with you? A Yes, sir.

Q Where did you first locate? A Near Marmaton.

Q In what country? A Yes, sir.

Q On a farm? A Yes, sir.

Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Did you know a colored man by the name of Joe Ross? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q About how far did they live from you after you located there? A Well, I would say about a quarter of a mile just crossing at it.

Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.

Q Were they living there when you moved there? A Yes, sir.

Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any farther than that, I am quite positive that they were there until the fall of the next year.

Q Of '69? A Yes, sir.

Q Did you live on this same place where you found them? A Yes, sir.

Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.

Q That was out in the country was it? A Yes, sir.

Q Did you know where they went when they left there or where they said they were going? A Well, I know what they said, they said they were going to the Nation, and further than that—

MR. SMITH: I object to that, I want to know who said that.

MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.

Q Was that while they was making the preparations for their removal? A Yes, sir.

MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.

MR. HASTINGS: These are the same parties.

MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.

MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.

MR. SMITH: That question is objected to.

MR. HASTINGS: You never saw them after that time? A No, sir.

Q Did the women folks work for you? A Yes, sir.

Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.

Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.

Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.

Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.

Q You don't know what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.
Q Could you see their house from yours? A Yes, sir.
Q Plain sight? A Yes, sir.
Q Across the field was it? A Well, we would have said down the road.
Q You came to Kansas from West Virginia in the spring of '68? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.
Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.

Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.

Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.

Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.

Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.

Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.

Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.

Q What time in the year did you get there? A The 6th day of this present in April.

Q You never have seen that man Murrell since that time? A No, sir.

Q Nor Ross? A No, sir.

Q You don't know whether they are the same persons who are applying, at this time for admission or not? A I don't know, did you say?

A I don't know; well I presume so.

Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Esau Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last mentioned cases is thrown, which are as follows: D-550, D-552, D-758, D-625, D-473, D-475, D-544, D-549, D-551, D-798, D-541, D-540, D-543, D-545, D-838, D-547, D-537, and D-521, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular case upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-539, Steve Leach, D-545, and Eben Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of April, 1902.

Arthur G. Croninger
Notary Public.

9. D. 923.

Subscribed and sworn to before me, this 17 day of June, 1905.

case.

is a true and complete copy of the original transcript in the above
civilized tribes, being first duly sworn, state that the foregoing
I, George W. Irwin, stenographer, to the Commission to the Five

Notarial Seal

Subscribed and sworn to before me this 2nd day of May, 1905.

P. G. Reuter,
Notary Public.

Arthur G. Croninger.

COMMISSION TO THE FIVE CIVILIZED TRIBES

ACTING CLERK

Arthur G. Croninger

C. Y. D-548.

To be filed with the following Cherokee Freedmen cases:
D-550, D-552, D-768, D-923, D-472, D-475, D-506, D-537 and
D-621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MEMPHIS, T. T., APRIL 29, 1902.

In the matter of the application of Nelson Murrell, et al. for
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
A Do you know how old you are, Simon? A I do, sir, about, near
about it.
Q Well about how old do you think you are? A Going on 61, on
the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year; but
after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted
with a colored fellow by the name of Murrell? A I got slightly
acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first
name was; I got acquainted with him slightly, just passing by him
coming in.
Q Did you know where he lived? A No, sir; I never did know where
he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your post-office? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65,
since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored
family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think
his first name slipped my mind. Nelson Murrell, Nelson Murrell
I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?

A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.

Q You say he was living on John Todd's place? A Yes, sir.

Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.

Q Well, that's what I mean; was he keeping house? A Yes, sir.

Q And lived on John Todd's place? A Yes, sir.

Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Todd.

Q They had a man on this place, he was living there? A Yes, sir.

Q Well? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.

Q Boarded with them, they cooked for you? A Yes, sir.

Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.

Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.

MR. MELLETT: You simply stopped there with him while you was breaking prairie there? A Yes, sir.

Q Didn't know him very long then, did you? A No, sir.

Q Don't know where he had been before that, do you? A No, sir.

Q Don't know where he went after that? A I don't.

Q Are you certain it was in the year '68? A Well, that or '69.

Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.

Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.

Q How long ago? A I guess it's six weeks ago, might have been over that.

Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie?

A Yes, sir.

Q You have got a pretty good memory, haven't you? A Why I don't know that I have.

Q Who talked to you about this case first; that gentleman, do you know? A Yes, sir.

Q What's he got to do with this business? A Couldn't tell you.

Q What's his name? A Rucker. C. T. Rucker.

Q Where does he live? A Fort Scott.

Q Is he getting up evidence for the Cherokee Nation up there?

A I ain't positive about that.

Q He was around inquiring of you what you knew, was he? A Yes, sir.

Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.

Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.

Q Is he the witness that testified in the Pomp Brown-- Lewis T. Brown case a while ago? A I think he did.

Q And he came to you inquiring what you knew about the Nelson Murrell case? A Yes, sir.

Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty five years ago? A No, sir.

Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.

Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes, sir.

Q You didn't even remember his first name when you was first asked the question? A I didn't.

Q Have you ever seen him since you saw him there? A I don't remember that I have.

Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.

Q Never have seen him? A No, sir.

Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.

Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.

Q You don't know where Nelson Murrell was in '66, do you?

A I do not.

Q '67? A I don't; let me see; no, I don't know where he was in '67.

Q And you don't know where he was except the time you speak of?

A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.

Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.

Q You was then subpoenaed, was you not? A Yes, sir.

Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants?

A I never heard of any organization.

Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes, sir.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-476 and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-621.

C.F.D-548.---4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

(Notarial Seal)

P. G. Reuter,
Notary Public.

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 25 day of June, 1902.

P. G. Reuter
Notary Public.

File with Cherokee Freedmen D-923, Sonny Smith et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Mellette & Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coody's Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q Now did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of ~~Wixka~~ Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel R. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how far from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to built that down called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along town there.

Q Did they have any ~~lumber~~ plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or '6 miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1869 from Journeycake's, did you?

A Yes, sir.

Q Where did you? A I started from home.

- Q Where did you live? A I lived up at Coody's Bluff.
- Q How far was that from Journeyoke's? A About four miles.
- Q In what direction from Journeyoke's? A North.
- Q Then you started from four miles north of Journeyoke's in the fall of '69 to go to Parkersburg? A Yes, sir.
- Q How did you travel? A I went horseback.
- Q And was there a road to travel? A No, there was no road.
- Q Wasn't any road? A No, I didn't follow any road.
- Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
- Q Once or more than once? A I only crossed it once going up.
- Q And once coming back? A Yes, sir.
- Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
- Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
- Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
- Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
- Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
- Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
- Q And crossed the creek? A Yes, sir.
- Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
- Q You just simply crossed Snow Creek in 1869? A Yes, sir.
- Q Well now then you are not prepared to say that this applicant, Nelson Burrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
- Q But you say you only touched Snow Creek at one point? A That is all.
- Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
- Q Up or down the Creek? A No, sir.
- Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
- A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me them days I could have seen it.
- Q Under favorable conditions you could have seen it? A Yes, sir.
- Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Simon Love.

Q Where do you live? A Claremore.

Q How long have you lived in the Cherokee Nation? A Ever since '68.

Q Are you a Cherokee or a Delaware Indian? A Delaware.

Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.

Q What was your father's name? A My stepfather's name was Buffalo.

Q Well, did he have any English name? A Little Buffalo they called him.

Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.

Q What was your stepfather's name? A Little Buffalo.

Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '88 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to check up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a gentleman that built our house lived there, a man named Baker, in the fall of '88 he built our house.

Q Do you know the applicant in this case, Nelson Marrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A * A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '88.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Marrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.

Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.

Q I believe you stated you came down after the Delawareans made the treaty with the Cherokees, or before, which was it? A Afterwards.

Q Did you come the same time the Delawareans came, or did your father move the same time they came? A Same time, his was the first train that came down.

Mr. Smith: Mr. Love, you and your family were among the first

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the road ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir.

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Got a house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A Great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 35 years.

Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were ~~at~~ up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Olymore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a

mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.

Q When you had to go to Kansas, what direction did you travel?

A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southeast and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Clymore? A No, sir.

Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.

Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any houses.

Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your postoffice? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.

Q Well, what year was that in? A When I first came here, that was in '67, in August.

Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.

Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.

Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.

Q How long did you stay there? A Well, we stayed there as much

as a week or ten days somewhere along there.

Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A No, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris?

A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '87? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.

Q About how long have you been living there? A I have been living there 15 years I believe.

Q You related in any way to Journeyoake? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeyoake's? A I lived six miles above, north.

Q Six miles north of Journeyoake's? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Gooseneck Bend, what they call now.

Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 10 miles.

Q In what season of the year did you arrive in the Cherokee Nation?

A Well I think the 9th day of February.

Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.

Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '88.

Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.

Q How far from this place on Verdigris? A This was on Grand River. It is about forty miles.

Q Now if I understand you, you came on the Verdigris River about '87? A I want you to understand this; we didn't move down in '87,

I came down here to look at the country.

Q Then what did you do? A I went back to Kansas.

Q How long did you stay? A Well, we stayed a year.

Q It took you a year to look at the country? A No, we stayed about two months here.

Q When, in '67? A Yes, sir, two months on the Verdigris.

Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and Snow Creek.

Q Well, when did you stop on Snow Creek? A In '67.

Q What time? A In August.

Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.

Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.

Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.

Q Then you was coming how long altogether, about two months? A Two months.

Q Then you went back to Kansas? A Yes, sir.

Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.

Q What year, '68? A '68.

Q Where did you go? A Came down here.

Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along in the first of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir.

Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Coody's Bluff.

Q Up about Snow Creek? A No, below there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.

Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right exactly on the Kansas line? A No, sir.

Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.

Q It has to be up Snow Creek if it was anywhere? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek?

A Yes.

Q Then you were right exactly on the Kansas line, weren't you? A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.

Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.

Q Well, there was a carpenter living there that built this fellow Love's house? A The Delahayes never moved here till '68.

Q You said you were back there in '68; what I am asking you about

- 2 -
you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can't say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowned him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war?

A My mistress' daughter married Uncle Nels' young master, John Nave.

Q Who did Uncle Nels belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Ohlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Ohlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Ohlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

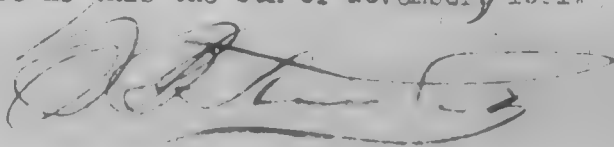
Q And Ohlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

Taking of testimony continued by Stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 8th of November, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 1902.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedmen.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Melette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W.W. Hastings.

STEPHEN LITTLE, being first sworn, testified as follows:

MR. HASTINGS: What is your name? A Stephen Little.
Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
Q Well give me your postoffice? A Lenapah.
Q What is your age? A Going on 77.
Q Do you know Flora Murrell? A I do.
Q Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q Well what was his first name? A Well I forget his first name.
Q Well do you know it was Lowen? A Lowen Vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q On Snow Creek? A Yes sir.
Q After the war? A After the war, yes sir.
Q How long had you been living there after the war when they move into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
Q You know you had been there five years? A I know I had been there five years.
Q Did they have any children? I think they had five or six.
Q Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lili.
Q Did you know Lowen Vann well? A Know him well?
Q Yes. A Oh, yes, sir, knew him well as I knew anybody.
Q Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some together.
Q You and he talked the Mexican language together? A Yes sir, Mexican language.
Q Said he had been to Mexico? A Yes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
Q Well he talked the Mexican language did he? A Yes sir, good.
Q He was the husband of Flora Murrell? A At that time, yes sir.
Q The father of Charley Vann? A Yes sir, I suppose so.
Q You didn't know him before the war? A No sir.
Q He talked the Mexican language did he? A Yes, sir.
Q You talked it? A He talked it and I talked it.
MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q How was that? A When I lived up on Snow Creek there.
Q I say when was that? A Well it was sometime in sixty- I think

that must have been sometime in '70 along there.

Q Well why do you think it was in '70? A Because the time I moved there-

Q Well is there anything special that makes you think it was in '70?

A Yes sir something special.

Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years and that time they was bearing apples.

Q And they had just begun bearing apples? A Just begun to bear apples.

Q When you was talking with him? A Yes sir.

Q You put them out when you first went there, did you? A The first year after I went there.

Q You went there in '60? A Yes sir.

Q You put out your apple trees in '61. A '66-I went there.

Q You went in '66 so the Cherokees says, I went there in '66, that's the reason I am here to-day.

Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.

Q Your neighbors knew that? A Yes sir.

Q What month did you go there in? A Me?

AQ Yes you? A In April.

Q April 1866? A Yes sir.

Q Where did you come from? A I went from Leavenworth, Kansas.

Q When did you go to Mexico? A Never have been there.

Q How did you learn the Mexican language? A My boss always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.

Q You learned it without going to Mexico? A Yes sir.

Q This other fellow that you testify about talked with you, Mexican A Yes, sir, that Lowen did.

Q Didn't you say a while ago in your cross examination that you went there in '60? A Went where.

Q Where you live? A '66.

Q How old was them apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.

Q Two years old when you put them out? A I expect so.

Q And they was just beginning to bear? A Bearing when they come there.

Q When you first got acquainted with him? A Yes sir.

Q How long had he lived there in that community before you met him?

A Before I met him, why he didn't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.

Q He hadn't been there long before you met him? A No sir.

Q How long was it before you found out that he could talk Mexican?

A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.

Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?

Q Well you learned it without going there didn't you? A Yes sir.

Q Do you know anybody else that did? A Yes, sir, hundreds.

Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man has all black folks could speak Mexican.

Q The fact that a man could talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.

Mr. HASTINGS: You heard him say that he had been to Mexico and you learned Mexican up where around- A Up there about Independence, Missouri.

Q. Up there where they talked earlier? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.
Subscribed and sworn to before me this 30th day of May, 1902.

(SEAL)

(Signed) P. G. Renter,
Notary Public.

W. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

W. E. Kaufman
Subscribed and sworn to before me this 7th day of July 1902.


NOTARY PUBLIC

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cases before the Commission and that notice was given that all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May 1902, we say that under the rulings of the Commission that under the agreement between the attorneys that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary and desired.

The Commission.

COMM. SEC. 1
The law provides that a writ of habeas corpus shall be made in strict conformity with the orders of the Court. It was rendered the 31st day of February 1902 and the Commission must take judicial notice of the judgment of the Court and the proceedings referred to the matter of attorneys for applicants for additional time to file their papers in the proceedings.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he has taken and reduced the proceedings in the above case and that he has prepared a true and correct transcript of his notes and the applicant's notes.

(Signed) E. C. Bagwell

Subscribed and sworn to before me this 14th day of June 1902

(Signed) P. G. Bagwell

Notary Public

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
T. W. Hastings:
By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitnair, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

823

Benny Smith, D 824;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to ,

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

[Signature]
Notary Public.

A. P. M.
1860

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Delilah Hopkins, et al., as Cherokee Freedmen, consolidating the
applications of--

Delilah Hopkins, et al.,	Cherokee Freedmen D 550,
Charles Vann, et al.,	Cherokee Freedmen D 552,
Sonney Smith, et al.,	Cherokee Freedmen D 923.

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D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Alfred P. Hopkins for himself, (by intermarriage), his wife, Delilah Hopkins, and minor children, Florence B., Ira S., Lucinda, Gussie, Johnnie, Nancy, Alfred and Lena Hopkins, and that, subsequent to the date of the original application, an affidavit which is made a part of the record herein, was filed, showing the birth of Charlie Hopkins, on July 13, 1901; by Charles Vann for himself and minor child, Willie Vann, and his wife, Kissie Vann, (by intermarriage); and by Sonney Smith for himself and minor children, Flora, David, Thomas, Neely, Gladys, Floyd and Carrie Smith, and his wife, Hattie Smith, (by intermarriage). As the said Alfred P. Hopkins, Kissie Vann and Hattie Smith, are differently classified, their rights to enrollment as citizens of the Cherokee Nation will not now be passed upon. A copy of the testimony taken in the case of Nelson Murrell, et al., Cherokee Freedmen D 548, is filed herewith and made a part of the record herein.

The evidence herein shows that the applicants, Delilah Hopkins, Charles Vann and Sonney Smith, are the children of one Flora Murrell; that the applicant, Sonney Smith was the slave of a Cherokee citizen at the commencement of the Rebellion; and that the applicants, Delilah Hopkins and Charles Vann, were born since the commencement of the Rebellion. The other applicants herein are their minor children.

The Commission have heretofore found, in the case of Nelson Murrell, et al., Cherokee Freedmen D 548, that the said Flora Murrell was the slave of a Cherokee citizen at the commencement of the Rebellion, and has continuously resided in the Cherokee Nation since birth. All the applicants herein have lived continuously in the Cherokee Nation since birth.

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It is, therefore, the opinion of this Commission that Delilah, Florence B., Ira S., Lucinda, Cassie, Johnnie, Nancy, Alfred, Lena and Charlie Hopkins, Charles and Willie Vann, Sonney, Flora, David, Thomas, Neely, Gladys, Floyd and Carrie Smith, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1906, (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) *Tams Bixby.*

Chairman

(SIGNED) *T. B. Needles.*

Commissioner.

(SIGNED) *J. H. Breckinridge.*

Commissioner

Muskogee, Indian Territory,

this MAY 13 1905

Department of the Interior Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—58,
Ella Vann,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—114,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Hartha,	Cherokee Freedmen D—199,
Nellie Fields,	Cherokee Freedmen D—203,
John Kimbo,	Cherokee Freedmen D—206,
William S. Madden,	Cherokee Freedmen D—209,
Jane Bean,	Cherokee Freedmen D—208,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—283,
Melvin Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Gliggett,	Cherokee Freedmen D—289,
Amanda Martin,	Cherokee Freedmen D—294,
Ella Martin,	Cherokee Freedmen D—297,
John B. Barnes,	Cherokee Freedmen D—318,
Bill Davis,	Cherokee Freedmen D—323,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McCowen,	Cherokee Freedmen D—349,
Maudie Mabley,	Cherokee Freedmen D—353,

JANE BROWN,

CHURCH OF THE HOLY TRINITY

Marie Martin,

Brooks Friedman R-107,

[illegible]

I have heard,
 Abraham Halliday,
 George H. Davis,
 William Johnson,
 Jackson Van
 Maty Johnson.

by Ketchum Simpson for himself; by Thomas S. Allen for himself; by Lewis Vail for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Kate Martin; by Fred Peterson for his wife, Lena Peterson; by William Johnson for his wife, Ellen Johnson; by Joseph Adams for his wife, Martha Adams; by John Grant for himself; by John Lowery for Nancy Rose; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Emily Adams for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by John Liberty for his wife, Frankie Liberty; by Lucy Chomere for herself; by Alice Durant for herself; by Alonso Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Reek for his wife, Bettie Reek; by Ella Warren for herself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by George Baker for his wife, Fannie Baker; by Ed Miller for his wife, Mary Miller; by Thomas Brown for himself; by John Baker for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ella Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Reed for his wife, Mary Reed; by George E. Nare for his wife, Maggie Nare; by Lewis Armstrong Nare for his wife, Neoma Nare; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Joshy Sartin for his wife, Hattie Sartin; by Jack Sartin for himself; by John Sanders for his wife, Lela Sanders; by Mary Hanning for her husband, George Hanning; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Clara David; by John Beckman for himself; by James B. Pomeroy for himself; by Jesse Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCosken for himself; by John Vann for his wife, Carrie Vann; by Lee Rietz for himself; by Robert Adams for his wife, Lela Adams; by John Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isaac Jones; by Lewis Gunter for his wife, Alice Gunter; by Anos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Govee for her husband, John Gunter; by Ruthe McNair for his wife, Mattie McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rutha Turk for her husband, Anderson Turk; by David Reid for himself; by Helen McGinn for herself; by Johnathan Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariab Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as off-ends of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 831).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 1848-1904, 11,774-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Holton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madison, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Nancy Rose, Charles G. Smith, Buck Osburn, William Stagg, Belle Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie Looney, Lucy Chouteau, Alice Durand, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webster, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Daws, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Murray, Charles Claggett, Samuel Irvin, Mary Rose, Maggie Nave, Beonia Nave, Ella Nave, Elizabeth Duncan, Sadie Adams, Georgeanna Anderson, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perty, Isaac Welch, Lawson Logan, George Howell, Henry Mack, George Adams, Annie Thomas, Lewis McConnell, Cassie Vann, Lou Peters, Ida Adair, Robert Brown, Arrie Chambers, Isom Jones, Alice Gantner, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Agnes Warren Owsen, Fannie Gotsky, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Street, John Sumpter, Martha Thompson, Ellen Sheppard and Lela Malton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1902, (32 Stat., 405), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[signed] TAMS DIXBY, Chairman.
[signed] T. B. NEEDLES, Commissioner.
[signed] O. B. BROOKBIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Charles Freeman
et al.

Mustoge, Indian Territory, January 24, 1908.

Walter Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1908, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvin Liberty, Alexander Claggett, Amanda Martin, Maud Munday, Katie Davis, Charles Williams, John J. Ross, Alex Johnson, Charles C. Smith, Sadie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Leoney, Lucy Chouteau, Mahaley Ward, Willie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isaac Jones, Alice Guster, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-18.
Register.

James Dixby.
Chairman.

COPY.

Churches Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kimbo, William S. Maddox, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Miss Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Tayler, Henry Eyles, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Fester, Mary H. Rogers, George Washington Lane, Jura Brown, Samuel I. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Hurrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kasalrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Kasir, George Adams, Annie Thomas, Lewis McConnell, Calpie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Letney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tamm Dixby.

Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
J-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Thomas, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Ross, Sr., Buck Ladman, Bell Thompson, Lewis Scott, Abe Scott, Kestler Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Sate Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

Chuteau, Alice Durant, Mahaley Wart, Fred D. Thomas, Bettie Beak, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jape Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Norma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Fattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnston, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gwenter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderace Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sauter, Mariah Thompson, Ellen Sheppard and Lula Maltan, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be much obliged to put on hand on the (inserted in
listings of the year.

Respectfully,

(SIGNED) *Tamie Bixby.*

Incl. 100.

COPY

Cherokee, Wash. D.C.
17-23

Muskogee, Indian Territory, January 21, 1906.

Hattie Smith,

Collinsville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James H. Smith
Chairman.

Encl. L-102.

Register.

Refer to reply
to the following
letter.
100-100.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

The Secretary,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 21, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Spivey, Mary Thomas, John Van, Mary Watkins, Frances Walker, John Brown, Mary Jane Van, Susan Van, Ella Wyckoff, Willie Shaw, Susan Campbell, The Jackson Brown, Charles Walker, Mary Martin, Willie Walker, John White, William A. White, John Van, Albert S. Brown, Mary Campbell, Caroline Walker, William Brown, Mary Brown, Alexander Campbell, Charles Martin, John Martin, John E. Brown, Willie Martin, David Van, David S. Brown, John McDaniel, Susan Walker, George Van, Dr., John Brown, Will Thompson, Louis Scott, Dr. Van, Walter Thompson, Susan E. Allen, Louis Underwood, John L. Walker, Willie Van, Charles Walker, John J. Van, John Martin, Van Brown, John Brown, Susan Van, John Scott, Mary Van, Charles S. Scott, Susan Walker, William Brown, Susan Brown, Albert S. Walker, Susan Van, Willie Brown, Mary Brown,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beak, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Samuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Cleggett, Samuel Irven, Mary Ross, Maggie Eave, Emma Eave, Ella Hess, Klizabeth Duncan, Sadie Adams, Georgeann Archer, John Cleggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Park, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by inter-marriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the 1892 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. F. N. 5943-1904) in the Lemuel Williams case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. E. Larrabee,

Acting Commissioner.

H.H.H.

W.



B. C. 20072-1908
I.T.D. 2004-1908.

(COPY)

W.C.P.
FILE

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1908.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1903, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Vender Lampton, Thomas R. Allen, Lewis Venderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
 William Skaggs, Susie Johnson, Alfred P. Hopkins, Kinsie Vann,
 Freddie Leoney, Lucy Cheateau, Alice Durant, Mahaley Ward,
 Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
 Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
 Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
 Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
 Jane Brown, Samuel L. Young, John Baskner, Willis Cox, Leonard
 Beules, Malinda Murrell, Charles Claggett, Samuel Irvn, Mary
 Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan,
 Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
 Jack Jackson, Lula Sanders, George Haselrig, Lizzie West,
 Maria French, Mary Johnson, Maggie Vann, William Hudson,
 Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
 James B. Perry, Isaac Welch, Lawson Logan, George Howell,
 Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
 Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
 Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
 Clark, Emily Looney, John Greves, Matilda McHair, Bettie Vann,
 Nelson Lett, Fannie Rogers, William Washington, Squire Warren
 Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
 Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
 Sumpter, Mariah Thompson, Allen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) EDWIN M. HAN
Acting Secretary

COPY.

Cherokee Freedmen

D-923.

Muskogee, Indian Territory, April 28, 1906.

Edgar Smith,

Attorney for Hattie Smith,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Hattie Smith as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*

Chairman.

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Bell, Hastings & Newport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED: *Tamie Dixby.*
Chairman.

COPY.

Cherokee Freedmen,

D-14, et al.

Waskagee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby.
Chairman.

COMMISSIONERS:

TAMM HIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE

WM. O. REALL
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPIES IN REPLY TO THE FOLLOWING: Cherokee Freedmen D-923.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

Hattie Smith,

Collinsville, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,


Chairman.

COPY.

Cherokee Freedmen
D-550 et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the applications for the enrollment of Delilah Hopkins et al., as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Incl. L-60.

Wm. Tamm Bixby
Chairman.

1905 ORIGINAL

COMMISSIONERS:
JAMES BIXBY,
THOMAS R. NEEDLES,
C. R. BRACKETT BRIDGE.

WM. D. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

8660
ORDER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

D-923.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 2, 1905.

Sonney Smith,

Collinsville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of yourself, et al. as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,



Commissioner in Charge.

Incl. 8-25

COPY.

Cherokee Freedmen

D-550, et al.

Muskogee, Indian Territory, June 2, 1905.

Edgar Smith,

Attorney for Delilah Hopkins, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Delilah Hopkins, et al. as Cherokee freedmen.

Respectfully,

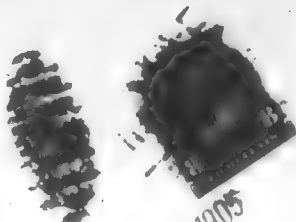
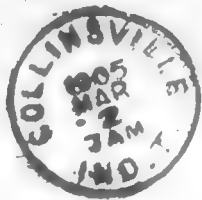
Incl. S-26.

T. B. Needles.
Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCÉE, IND. TER.



MAR 2 1905



Hattie Smith,

Collinsville, Indian Territory.

REGISTERED
MAR 2 1905
IND. TER.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

Cherokee Division

Muskogee.

Hattie Smith,

Collinsville, Indian Territory.



Department of the Interior.

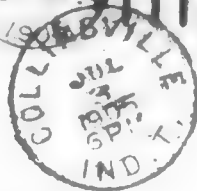
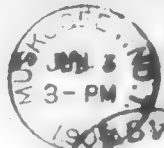
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Cherokee Division

Muskogee.

670923



~~Sonnet~~

~~Collinsville, Indian Territory.~~

Cher.Fr.R 780

Cher.Fr.R 780

Trans. from Cher F.D 925

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CC

RECEIVED
JUL 18 1891



ACTING COMMISSIONER

RECEIVED JUL 18 1891

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June, 25th 1901.

Lewis T. Brown, agent for the applicant-

W. W. Hastings- Cherokee attorney.

In the matter of the application of Sarah Martin for the enrollment of herself and four children as Cherokee freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Sarah Martin.
Q What is your age? A. 30.
Q What is your post office address? A. Winniewood, I. T.
Q ~~Cherokee~~ Chickasaw Nation? A. Yes sir that is where my husband is preaching this year.
Q Where do you live? A. Sallisaw, Cherokee Nation, ^{Sequoyah} ~~Cherokee~~ district is my home.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled besides yourself? A. Myself and four children.
Q What are their names? A. Thomas.
Q How old is he? A. 11.
Q Next? A. Meldonia
Q How old? A. 3 years.
Q Next? A. Willie May.
Q How old is she? A. 3.
Q Next? A. John E.
Q How old? A. One year and four months.
Q What is your father's name? A. Supposed to be Thomas Frazier.
Q And your mother's name? A. Sarah Hilderbrand.
Q Is she living? A. No sir.
Q Do you claim your citizenship through your mother? A. Yes sir.
Q Where were you born? A. Goingsmake district, close to Hilderbrands old Mill.
Q How old were you when your mother died? A. 4 or 5 years old.
Q Where did she die? A. At Hilderbrands Mill.
Q Where did you go after her death? A. Choctaw Nation.
Q Who took you there? A. Thomas Frazier.
Q Who was he? A. An Indian man.
Q What relation to you? A. Supposed to be my father.
Q Where were you married? A. In the Choctaw Nation.
Q Who to? A. Thomas Martin.
Q What is your husband's business? A. Preaching.
Q Where has been your home all your life? A. Cherokee Nation

By Hastings-

Q How old are you? A. About 30.
Q How old is your oldest child? A. 11 years old, the oldest living one.
Q Have you one older than that dead? A. Yes sir.
Q How old would that one be now? A. 15 years old I guess.
Q At that place were you born? A. Hilderbrands Mill.
Q Who did you say your father was? A. Supposed to be Thomas Frazier.
Q How old were you when you left there? A. 6 or 7 years old about.
Q Where did you go from there? A. Choctaw Nation.
Q You started from Hilderbrand's Mill and went to the Choctaw Nation?
A Yes sir.
Q Was your mother dead then? A. Yes sir.
Q Who took you? A. My father.

- Q What became of your father? A. Didn't know.
 Q Who did you live with there? A. Ed Campbell.
 Q Does he live in this country now? A. No sir in the Choctaw Nation.
 Q Were you ever in Texas? A. No sir.
 Q Where were your children born? A Part of them there and one at Tahlequah.
 Q When did you come back here after you married? A A month or two after I married.
 Q Where did you live up here? A. I have not been stationary at one place, my husband is a minister and where he goes I go too.
 Q Where were you last year? A. Ardmore.
 Q Where the year before that? A. Ardmore.
 Q Where the year before that? A. Redland.
 Q Where were you in '95? A Dora
 Q Arkansas? A. No sir, Cherokee Nation.
 Q Did you apply to the Kern Clifton Commission? A. Yes sir.
 Q Where? A. Fort Gibson.
 Q By what name? A. Sarah Martin.
 Q Where did you see old George W. Vann? A. Ever since I was a little girl.
 Q Did you ever see him in the Choctaw Nation? A. Yes sir.
 Q Did you ever see him at Winfield? A. No sir.
 Q What was the first time you ever saw him? A. In the Choctaw Nation.
 Q Where at? A In the place I lived.
 Q Where was that? A. Where Uncle Campbell lived.
 Q Near where? A. Fort Coffee
 Q That was the first time you ever saw him? A. Yes sir.
 Q Where did you first see Samuel Daniels? A I have seen him off and on for a good long while, I don't know the first time.
 Q What is your best judgment about it? A. Well I saw him at Hayden and Fort Gibson.
 Q When was the first time you saw him? A. At Fort Gibson.
 Q How long ago? A. I don't know, several years.
 Q Ten years ago? A. I don't know sir.
 Q Has it been five years? A. Yes sir I guess it has been five years.
 Q Is that your best judgment? A. Yes sir.

By Brown-

- Q Did you draw strike money? A. Yes sir.

By the Commission:

- Q What is your husband's name? A. William Martin.
 Q Thought you said Thomas Martin? A If I did I made a mistake, it is William.
 Q Is he a citizen? A. I is supposed to be, he never has been right
 Q When did you marry him? A. 14 or 15 years ago.
 Q Is he your first husband? A. Yes sir.
 Q Are you his first wife? A. Yes sir.
 Q Are those children you apply for all living? A. Yes sir.
 Q Do they live with you? A. Yes sir.
 Q What church does your husband belong to? A. African Methodist.
 Q Does he belong to the Regular Methodist Conference? A. Yes sir the Indian Conference.
 Q And is sent here, there and everywhere through the Indian Service
 A. Yes sir.

3

Q Has he ever been a minister outside of the Territory? A. No sir.
Q Not in the states? A. No sir.

Kern Clifton roll examined and the name of the applicant found
as follows: Page 133, No. 3507, Sarah Martin, Canadian district.

Q Was you living in Canadian district when you drew your Kern Clifton
money? A. Yes sir.

* * * * *

Chas. von Weiss, being sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the
proceedings in the above cause and that the foregoing is a full, true
and correct transcript of his stenographic notes therein.

Chas. von Weiss
Subscribed and sworn to before me this the 18th of July, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 18 1901

ACT NO. 158

SARAH MARTIN, et al., application continued: Former portion taken by Stenographer Chas. von Wei sei

BURL DANIELS, being duly sworn by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Louis T. Brown, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

BY MR. BROWN:

Q State your name. A Burl Daniels.
Q Your age? A Pretty near 70 years old.
Q Your post office? A Talala.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Sarah Martin?
A I knowed Sarah Martin during the war and before the war.
Q I am speakin g of the applicant? A I knew her mother.
Q To whom did her mother belong ~~before~~ at the beginning of the war? A Polly Hilderbrand.
Q Polly Hilderbrand a citizen of the Cherokee Nation by blood?
A Yes, sir.

BY MR. HASTINGS:

Q How do y ou know that that was her mother? A She said that was her mother.
Q You don't know this to be a daughter of that woman do you?
A No, sir.
Q Where did you live before the war? A I lived on Grand river a while and Beaty's prairie.
Q How far was that from Hilderbrand's Mill? A That was towards, I think it was on the ling of Going Snake.
Q Were you ever there? A Lots of times.
Q Where did you go from to mill there? A I went from Grand river and Beaty's prairie.
Q And you saw some woman there by the name of Polly?
A They had this Hilderbrand polly.
Q Did you ever see t his girl before the w ar?
A No, sir, I seed her mother.
Q You don't know whether it was her mother? A She claimed it was her mother.

GEORGE W. VANN, being duly sworn by Commissioner T. B. Needles, testified as follows:

BY MR. BROWN:

Q State your name? A Geor ge W. Vann.
Q Age? A 87.
Q What is your post office? A Benge.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Sarah Martin? A Yes, sir.
Q Did you know her mother? A I did.
Q What was her mother's name? A Sarah Hilderbrand.
Q To whom did Sarah Hilderbrand belong at the beginning of the Civil War? A Polly Hilderbrand.
Q Was Polly Hilderbrand a citizen of the Cherokee Nation by blood?
A Yes, sir.
Q Where did you first see Sarah Hilderbrand, the mother of the applicant here, Sarah Martin, after the close of the war?
A Saw her at Webbers Falls.
Q When was that? A Along about 1866.
Q How long did you see her around Webbers Falls in 1866?
A She was cooking down there about a year for hands there.
Q When did you next see her? A I never saw her after that until 1 about '74 or '75.
Q When you next saw her after '74 or '75 di' she have any children with her? A Yes, sir, had that girl (referring to the applicant.)
Q Did she make any statement to you whether or not this was her child? A Yes, sir.
Q How long have y ou known the applicant here? A Well from

Sarah Martin, et al. Cont'd 2.

about '75 or five, about '75, I never seed her any more until about some three or four years, may be longer than that, I have knowed her ever since.

Q Do you know her husband, William Martin? A I do.

Q Do you know whether or not they were ever married? A I do; I saw them married.

Q Who married them? A Elder Sissacant, my presiding Elder.

BY MR. HASTINGS:

Q Where were they married? A At Campbell's in the Choctaw Nation.

Q Near what town? A Well it is near Soulliville, between Soulliville and Fort Smith, in the Choctaw Nation.

Q You saw this girl's mother before the war? A Oh, yes.

Q Where did you see her? A Seed her up to Hilderbrand's, Miss Polly Hilderbrand.

Q Now, what was Miss Polly Hilderbrand's husband's name? A I don't know; I don't know; they always called her Miss Polly Hilderbrand.

Q You were up there before the war? A Yes, sir.

Q What other house did she live in there? A I don't know.

Q You don't know what sort of a house? A No, sir.

Q Did they live in the prairie or timber? A It is around more on a creek.

Q What call of a Creek was it; what is the name of that creek?

A It was called Hilderbrand's creek, they called it.

Q You know that that never was called that in the history of the country? A No, no.

Q Which way did that creek run? A Just for me to tell you why.

BY COM'R NEEDLES:

Q You say you don't know? A Yes, sir.

BY MR. HASTINGS:

Q Do you know anything about Hilderbrand's farm, what sort of a farm he had around there? A Now, Mr. Hastings, I travelled around in there and I can tell you.

Q How old was this woman's alleged mother before the war?

A She seemed to be a young woman.

Q Did she have any children then? A No, sir.

Q What was her first name? A Are you talking about Sarah Hilderbrand, her mother.

Q Yes. A Why, Sarah.

Q What was this girl's father's name? A I don't know.

Q You never saw her father? A No, sir.

Q She never was with her father? A If she was I don't know.

Q Whom were you up there at Hilderbrand's Mill with before the war? A I was up there part of the time I was up there with Pick Benge; I was up there with old man Br anklin chicken fighting and hogracing.

Q You have been down in the Choctaw Nation a good deal since the war? A I married my first wife in the Choctaw Nation.

SARAH MARTIN? the applicant, recalled:

Q Where did you say that your mother died in your testimony a while ago? A I said she died at Hilderbrand's Mill.

Q She lived and died there as far as you know? A As far as I know.

Q She never went with you to Webbers Fall? A She was dead.

Q I don't mean Webbers Fall, I mean Choctaw Nation; she died before you left Hilderbrand's Mill up there in the Cherokee Nation?

A Yes, sir.

BY MR. BROWN:

Q Where were you born? A I was born in '70.

Q Well, at the time you were four or five years old did you remember every place you were, your mother took you?

A Yes, sir, she carried me out Choctaw Nation.

Q You are talking about your mother now? A Oh, my mother never carried me anywhere, as far as I know.

Sarah Martin, et al., Cont'd 5.

Q She might have carried you to Webbers Falls when you were four or five years old and you never know it? A Yes, sir.

BY MR. HASTINGS:

Q Your mother died at Hilderbrand's Mill didn't she? (No response.)

COURT REEMLERS: Sarah Martin applies for the enrollment of herself and four children, Thomas, Meldony, William K. and John H. She avers that she is the child of Sarah and William Hilderbrand, and that Sarah Hilderbrand was a citizen of the Cherokee Nation. She avers that her mother died when she was five or six years of age and she was born in the year 1870. Reference is made as to her testimony. She cannot be identified upon any roll of the Cherokee Nation except the Kern-Clifton roll and she is duly identified upon the Kern-Clifton roll according to the page and number of the roll as indicated in the testimony. The names of her children are not found upon any of the rolls and it will be necessary for satisfactory proof of their birth to be filed with the Commission. Said Sarah Martin and her four children will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be notified by mail of the decision of the Commission when arrived at.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 15th day of July, 1901.

[Signature]

Commissioner.

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THE UNITED STATES OF AMERICA

DEPARTMENT OF THE INTERIOR

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TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with C. F. D-925, Sarah Martin, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
vinita, I. T., October 9, 1901.

In the matter of the application of Sarah Martin et al for
enrollment as Cherokee Freedmen.

Appearances:

Lewis T. Brown, agent for the applicant;
W.W.Hastings, of attorneys for the Cherokee Nation.

AARON BECK, being sworn by Commissioner Needles testified as
follows:

BY MR. HASTINGS:

Q What is your name? A Aaron Beck is my proper name, I go by the
name of Head Beck.

Q How old are you? A I am 67 years old next passed.

Q Where were you living when the war came up? A At the Hilder-
brand Mill, Goingsnake District.

Q How long had you been living there? A I can't answer just the
number of years, but several years.

Q Number of years before the war? A Yes sir. A number of years be-
fore the war.

Q Are you a Cherokee citizen by blood? A Yes sir.

Q Mr. Beck, did you know a Cherokee by the name of Polly Hilder-
brand? A Yes sir.

Q I mean one that lived near Hilderbrand's Mill, in Goingsnake
District? A Polly Hilderbrand?

Q Yes sir. A Yes sir, she lived right at the mill and owned the
mill at that time; she was an aunt of mine.

Q Now how long had you known her when the war came up? A Well
I don't know, but I could be safe in saying 25 or 30 years.

Q Been a number of years? A For a number of years, yes sir.

Q Did you know her intimately? A Yes sir, lived with her.

Q You lived with her? A Yes sir, that was my home.

Q When the war come up that was your home? A Yes sir.

Q I will ask you if she owned a colored woman by the name of
Sarah? A No sir, I never knew any such colored woman as that there;
she never owned but one slave, a colored woman, to be her own prop-
erty; that ~~xx~~ I know of, and her name was Melvina.

Q Did she have any other one there when ~~you were~~ the war came
up other than Melvina, a woman? A No sir.

Q Well, were you in the war? A Yes sir.

Q Immediately after the war where did you go? A I went home to
that mill.

Q Where you continued to live in and about right there ever since
haven't you? A Yes sir.

Q You live there now? A Yes sir, that's my home until yet.

Q Did you know Polly Hilderbrand after the war, your aunt? A Yes
sir.

Q Did you ever see a colored woman around there by the name of
Sarah, after the war? A No sir, my recollection I never did see
a woman by that name.

Q Did you know any colored women at all around Hilderbrand's Mill &
after the war? A No sir, she owned a colored woman named Melvina,
and she went off directly after surrender and there was no colored
woman besides that one after the war.

Q You know what become of Melvina? A She went to Fort Gibson I
reckon; that is where they said she went; I didn't see her go, but
that is my information.

Q That's all you know about it? A Yes sir.

Q Did you live there in '67 and '8 and '9 and ~~xxx~~ '70; I believe
you have already stated that you have? A Yes sir, I come home in
'66.

Q In '66? A I think I did; the surrender was in the spring of '65

Sarah Martin et al 2

and in the spring of '66 I come home.

Q Did you see no negro woman of that name when you came home?

A No sir, I don't remember that I did.

Q When did Polly Hilderbrand die? A Well sir, I can't tell you just the date.

Q Well about how many years after the war? A Well it must have been 8 anyway.

Q Die right around that mill there? A Yes sir. She was killed there afterwards.

Q You are positive that she owned no negro woman by the name of Sarah when ~~you came home~~ the war come up? A No sir, she didn't own any, because I lived there, and that was my home; I know she didn't own any by that name; she owned one named Melvina.

Q That is the only one she owned? A That's the only one she owned.

BY MR. BROWN:

Q Mr. Beck, do you say you were in the war? A Yes sir.

Q Where did you enlist? A I enlisted in '62 I reckon.

Q Where? A Up in the state of Arkansas, up there east of where I live.

Q How long had you been in the State of Arkansas before you enlisted? A Day and night. I worked the winter before for General Blount there; run a mill for him.

Q Where were you from '62 to '65? A In the army.

Q Where were you stationed at, anyone place? A We had different camps where we stayed, wherever the federals would let us stay.

Q Well now, along about February, 1863, where were you? A We were in the Choctaw Nation somewhere.

Q Did Polly Hilderbrand own any slave at that time? A A slave woman stayed with her, the one that she owned before the war.

Q Now didn't she own any one by that name in February in '63? A No sir, not that I know of.

Q How do you know; you say you were in the Choctaw Nation? A Well I say ~~nothing~~ none that I know of.

Q She might have owned a slave and you not knowing it at that time?

A If she did she owned her for a very short time, because in '64 I come home to see my people, and that woman I tell you of was there, only Melvina.

Q You say you knew Polly Hilderbrand about 30 years before the war? A Well no, I don't know, about 25 or 30, as well as I can recollect. I don't just know the number of years; I couldn't say positive just how many years.

Q Now you say this Polly Hilderbrand you are speaking of only owned one slave, and her name was Melvina? A Yes sir, that's my best recollection.

Q You are positive of that? A I think so, yes sir.

Q You swear positively she owned one slave and her name was Melvina?

A That's all I know of her having while I lived there.

Q How long did you live there? A All the time that I was in the army.

Q You returned there in '63? A Yes sir.

Q How close did you settle to the old Hilderbrand mill? A Right there, I ran the mill.

Q Do you know a man named Thomas Frazier? A Well sir.

Q Never knew a man by that name? A If I knew him I don't remember him; there was some Fraziers there; was he a white man or Cherokee, do you know?

Q I think he was a Cherokee; I don't know myself? A Well I didn't know him.

Q There were some Fraziers around there you know? A There were some Fraziers there, but he was a white man, claimed to be, I don't know whether he was a white man or not, but claimed to be.

Q So you don't know whether or not during the month of February '63 Polly Hilderbrand owned a slave by the name of Sarah, or not,

Sarah Martin et al 3

do you? A I was in the Choctaw Nation. If she owned her she did not own her in '64; I come home on the Scout in '64 and was there doing a flight and work around, my mother was there, and the old lady Hilderbrand was there. I come home and helped them, and this negro woman, Melvina, stood guard; I was in the federal lines you see and had to sort of keep guard.

Now Beck, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Zeke Beck.

Q What is your age, Mr. Beck? A I am in my 66th year now.

Q Are you a Cherokee citizen by blood? A Yes sir.

Q Where do you live? A I live in Delaware District, Cherokee Nation.

Q How far is that from the old Hilderbrand Mill? A Some 6 miles I think.

Q Where did you live before the war? A I lived out on Beck's Prairie.

Q How far from Hilderbrand's Mill? A Well now I would call it about some distance, about 6 miles, or 7.

Q Did you know a Cherokee woman there by the name of Polly Hilderbrand? A Yes sir.

Q Where did she live? A She lived at the Hilderbrand Mill, Goring snake District.

Q Was she any relation to you? A She was an aunt of mine.

Q Did you know her well? A Yes sir.

Q You visit her? A Yes sir.

Q Did you know whether she owned a colored woman when the war came up by the name of Sarah? A No sir, she didn't own many one by the name of Sarah.

Q Did she own any colored woman at all? A She owned one, her name was Melvina.

Q Was that the only one she owned? A Yes sir.

Q Mr. Beck, was that the only Polly Hilderbrand who lived in that neighborhood before the war? A It is the only one I knew anything about at all.

Q Were you in the army during the war? A Yes sir.

Q When did you return after the war? A I returned back in '67.

Q To that neighborhood? A Yes sir.

Q Did you know Polly Hilderbrand then? A '67, yes sir, I knew her then.

Q She was afterwards killed was she? A Yes sir, she was killed after '67.

Q 4 or 5 years; do you remember how long? A She was killed in '72.

Q Well did you see any colored woman around there after the war any at all after you came back? A No sir.

Q You don't know of any at all around in that neighborhood? A No sir.

Q Was that a place to go to mill, Hilderbrand's Mill, before the war? A Yes sir.

Q Long time after the war, wasn't it? A Yes sir.

Q This Polly Hilderbrand was your aunt? A Yes sir, she was a sister to my father.

Q Where did you join the army? A Cowardin Prairie.

Q When? A I joined the army there, it must have been in '60.

Q After the war commenced wasn't it? A Yes sir.

Q That didn't commence until '61? A '61, '61.

Q Were you at home any during the war? A Well I passed and in now and then.

Q Do you know how long this Melvina stayed around your aunt Polly's? A No sir.

Q I mean of your own knowledge? A No sir, I do not.

Sarah Martin et al 4

BY MR. BROWN:

Q Well now, how often were you around your aunt Polly's between the years '60 and '65? A '60 and '65?

Q Yes sir? A Well now after I joined the army I was not around there very often.

Q I was there two or three different times.

Q Well now how long did you stay at a time? A Well not very long.

Q Kind of ~~slip~~ slipped in and slipped out? A Yes sir.

Q And you didn't have time to notice how many slaves the people had around in that neighborhood did you, along about that time?

A Well I noticed that one woman there.

Q That's one you did notice? A Yes sir, that's all the one.

Q And there might have been some around there that you didn't notice? A I didn't notice any at all; I didn't see them.

Q You say you would slip in and slip out and you didn't have an opportunity to see how many slaves there were around that place? A No sir.

Q Now when Mr. Hastings asked you did Polly Hilderbrand own a slave at the beginning of the war by the name of Sarah, you started to say something after you had partly answered the question; now I want to know what that was? A I started to say if the ~~elvina~~ that I knew was named Sarah it was more than I knew anything about.

Q Are you willing to swear that during the month of February, '63, Polly Hilderbrand didn't own a slave by the name of Sarah, while you were in the army, and possibly away? A I couldn't swear that.

BY MR. HASTINGS:

Q You know that she didn't own one before the war when you joined the army? A Yes sir.

Q And you know there was no Sarah after you came back? A Yes sir.

BY MR. BROWN:

Q Do you know Calvin Hilderbrand, an old colored man, dead now? A No sir.

Q You say you returned in '67? A Yes sir, as well as I recollect. It was in the spring of '67 or '66; I won't be certain of it; it is quite a long while to recollect dates.

AARON BECK, re-called and further examined, testified:

BY MR. HASTINGS:

Q Mr. Beck, was this Polly Hilderbrand who was an aunt of yours the only Polly Hilderbrand you knew of that lived around in that immediate vicinity? A Yes sir, that is ~~the~~ all the Polly Hilderbrand that I knew of.

BY MR. BROWN:

Q Were you acquainted with everybody that lived in that district at that time? A Well I couldn't say about the district, but as to the neighborhood and right around there I was.

I run a mill there you know, and I craned for greater part of the Cherokee Nation; there was no mills scarcely in the Nation at that time.

Q Did you know an old colored man who used to live in that country about the time of the war by the name of Calvin Hilderbrand?

A I can't remember any such name.

Q You know a woman named Peggy Hilderbrand, colored woman? A No sir, I don't remember the name.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 10, 1901.

Commissioner.

Comm

Cherokee Freedmen D-925

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sarah Martin et al., as Cherokee freedmen.

D E C I S I O N .

The record in this case shows that application for enrollment as Cherokee freedmen was made to this Commission by Sarah Martin for herself and her minor children, Thomas, Meldonia, Willie M. and John H. Martin. Subsequent to the date of the original application herein a birth affidavit, which is made a part of this record, was filed with the Commission showing the birth of Helena Martin.

The evidence herein shows that the principal applicant, Sarah Martin, was born since 1866 and claims right to enrollment through her mother, one Sarah Hilderbrand. The evidence fails to show that the said Sarah Hilderbrand was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The applicants, Thomas, Meldonia, Willie M., John H. and Helena Martin, are the minor children of said Sarah Martin and possess no rights to enrollment except through their said mother.

Neither the name of Sarah Hilderbrand nor any of the applicants herein, appears upon the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sarah Martin, Thomas Martin, Meldonia Martin, Willie M. Martin, John H. Martin and Helena Martin as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Muskogee, Indian Territory,

this JUL 23 1904

Commissioner.

COMMISSIONER OF REVENUE COLLECTIONS

FILED



COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Sarah Martin, et al., as Cherokee freedmen.

Reply of the Cherokee Nation.

The record in this case shows that the principal applicant, Sarah Martin, made application to be enrolled on the 28th day of June, 1901, before the Commission to the Five Civilized Tribes at Nowata, Indian Territory, claiming then that she was about 30 years of age, and a daughter of Sarah Hilderbrand; that her mother belonged to Polly Hilderbrand, a Cherokee citizen who lived in Going Snake District, at Hilderbrand Mill, before the war, where applicant says her mother continued to live until she died. The record further shows that she was rejected by the Commission to the Five Civilized Tribes on July 23, 1904, and this rejection was affirmed by the Department September 10, 1904.

The motion now filed is for readjudication and for a rehearing.

As to the readjudication feature attention is invited to the fact that applicant introduced only two witnesses: Burrell Daniels, who claimed to have lived some 40 or 50 miles from the place where Polly Hilderbrand lived, and applicant claimed her mother lived on, and the next witness George W. Vann, who did not see the applicant's mother before the war, and only claims to have seen her subsequent to the war at Webbers Falls.

On the other hand, the Cherokee Nation introduced Aaron Beck and Zeke Beck, who were nephews of the said Polly Hilderbrand. Aaron Beck lived there at Hilderbrand's Mill with Polly Hilderbrand and ran the mill for a number of years before the war, and he swears positively that Polly Hilderbrand had no other slave than a negro woman by the name of Melvina, and that she had none by the name of Sarah; he swears he entered the Army after the beginning of the war, but occasionally returned home and finally came back in the year of 1866, and that at no time did his aunt own a slave by the name of Sarah. Of all persons living he was in a position

to know best of the slaves of his aunt Polly Hilderbrand. Zeke Beck lived a few miles distant, but in the same neighborhood and corroborates Aaron Beck to the effect that Polly Hilderbrand owned no slave by the name of Sarah, and only one woman slave by the name of Melvina. They both say that none was there along about 1869, 1870 or 1871, when the applicant claimed that her mother died there. Under the testimony in the case we do not know or see how the commission could have arrived at any other decision than to reject the applicants.

As to the rehearing feature of the motion there is nothing set up in the motion that would entitle the applicants to a rehearing. In the first place there are no attached affidavits to the motion as the Department decided there must be in the Celia Kirkpatrick, et al., case, on October 12, 1905 (I.T.D. 2160-1905), at which time the Department refused to grant the motion to reopen the case of Celia Kirkpatrick upon the motion made by the attorneys for the Cherokee Nation, because the request was not supported by the affidavits of the witnesses proposed to be introduced. Attached to this motion are no affidavits, but attention is invited to the fact that petitioner avers that he will get the affidavit of George W. Vann. Evidently counsel for applicants did not refer to the testimony, because this George W. Vann once testified in the case, and he swore that he never knew the applicant's mother before the war, nor did he know that the applicant was the daughter of one Sarah Hilderbrand he claimed to have known. We insist that a careful reading of the record discloses the fact that there is no merit in this case; that it has been conclusively shown that the mother of the applicant was not a slave of Polly Hilderbrand, and it is conclusively shown that applicant's mother did not reside at Hilderbrand's Mill where she claims to have resided just after the close of the War.

For the reasons hereinabove assigned, it is respectfully submitted that the motion filed herein should be denied.

Respectfully submitted,

W. H. H. H. H.
Attorney for the Cherokee Nation.

rd
F. D. 9.35

INDIAN TERRITORY,

CHEROKEE NATION

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Notary Public.

SEP 25 1901

ACTING CHAIRMAN

I, the undersigned agent for the
within named applicant, hereby
accept the within notice on this the
day of Sept, 1901
Louis J. Brown

NOTICE!

IN THE MATTER OF the application of Sarah Martin
for enrollment as Cherokee Freedmen:
Case No. F. D. 925

To Sarah Martin or L. T. Brown Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 9th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 25th 1901.

L. B. Bell

W. W. Hastings
J. L. Davenport
Attorneys for the Cherokee Nation.

7-10-935

RESOLUTION TO THE FIVE GIRLS

FILED

MAR 24 1902

[Signature]

ACTING CHAIRMAN.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sarah Martin,

Winnewood, I. T.

Cherokee F-D-925

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

700-6

FILED
MAR 21 1902

[Handwritten signature]

RECORDED & INDEXED

NOTICE.

Cherokee - Freedmen - Enrollment.

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Mr. Sam Rogers,
Coffeyville, Kan.,
CherokeeF-D-926
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Q

51 a25

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

17. Name of wife Sarah Martin

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

23. Thomas Martin

Year

Page

No.

Dist.

34. Melodia

Year

Page

No.

Dist.

44. Willie M

Year

Page

No.

Dist.

54. John H

Year

Page

No.

Dist.

64.

Year

Page

No.

Dist.

74.

Year

Page

No.

Dist.

84.

Year

Page

No.

Dist.

94.

Year

Page

No.

Dist.

104.

Year

Page

No.

Dist.

114.

Year

Page

No.

Dist.

124.

Year

Page

No.

Dist.

Application made by

Stenographer

2, 3, 4 and 5. Birth affidavits to be supplied

Represented by ~~Wm. L. Brown~~ Louis. P. Brown

48 225

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 16 1901

 ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 28th, 1901, in the
matter of the application of Sarah Martin et al for enrollment
as Cherokee Freedmen.

Louis J. Brown
Agent for Applicants.

Cherokee Freedmen #925.

Cherokee R.D-685

Muskogee, Indian Territory, October 8, 1908.

Sarah Martin,

Armstrong, Indian Territory.

Dear Madam:-

The affidavit forwarded to the Commission in the matter of the application for the enrollment, as a Cherokee Freedman, of your infant child, Helena Martin, is herewith returned to you for the reason that the signatures by mark of yourself and the midwife are witnessed by only one witness. The Commission requires that all signatures by mark be witnessed by two persons other than the notary taking the acknowledgment.

You are requested to have the affidavit corrected in this particular and return to the Commission as promptly as possible.

Respectfully,

Acting Chairman.

Enc. M-116

copy

Charles Freeman

D-908.

Mustang, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings
and the matter of the application of Sarah Martin for the enroll-
ment of herself and her five minor children, Thomas, Melinda, Willie
E., John L. and Helen Martin, a. Charles Freeman, including the
Commissioner's decision dated July 23, 1904, respecting said application.

Respectfully,

J. E. McCallister

Commissioner in Charge.

Very truly,
Yours,

Through the

Commissioner of Indian Affairs.

00P

Cherokee Freedmen

B-928.

Muskogee, Indian Territory, July 26, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Sarah Martin for the enrollment of herself and her five minor children, Thomas, Maldonia, Willie M. John H. and Helena Martin, as Cherokee freedmen.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Encl. S-112.

T. B. Holloman
Commissioner in Charge.

00P
Cherokee Freedmen

D-928.

Muskogee, Indian Territory, July 26, 1904.

Louis T. Brown,

Agent for Sarah Martin, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Sarah Martin for the enrollment of herself and her five minor children, Thomas, Maldonia, Willie M., John H. and Helena Martin, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Encl. S-111.

Commissioner in Charge.

Register.

COPY

Cherokee Freedmen
B-925.

Muskogee, Indian Territory, July 26, 1904.

Sarah Martin,

Box 661, Wagoner, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting your application for the enrollment of yourself and your five minor children, Thomas, Meldonia, Willie M., John H. and Helena Martin, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

H. B. Seale

Encl. B-110.

Commissioner in Charge.

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the following:

Land.

Washington

62066-1904

September 1, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 26, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Sarah Martin for herself and her minor children, Thomas, Meldonia, Willie M. John H. and Helena Martin.

July 23, 1904 the Commission decided adversely to the applicants.

The record shows that all the applicants were born since 1866 and claim right to enrollment through Sarah Hilderbrand the mother of the principal applicant and they possess no right to enrollment except through her. The evidence fails to show that Sarah Hilderbrand, the ancestor through whom these applicants claim, was the slave of a Cherokee citizen of a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The names of none of the applicants are identified on the 1880 authenticated Cherokee roll. The name of the prin-

-2-
cipal applicant, Sarah Martin, is found on the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully

W. A. Jones

Commissioner

M. M. M.

W

(C O P Y)

W. C. F.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T.D.-7104-1904
J P.

September 10, 1904.

Commission to the Five Civilized Tribes
Muskogee, Indian Territory.

Gentlemen:

July 26, 1904. you trans mitted the record in the matter of th e application of Sarah martin et al. for the enrollment of herself and five minor children, Thomas, Maldonia Willie M. , John H. and Helena Martin, as Cherokee freedmen, including your decision of July 23, 1904, rejecting said application.

Reporting September 1, 1904, the Commissioner of Indian Affairs recommends that said decision be approved. Copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is affirmed.

Respectfully,

(Signed) Thos Ryan

1 inclosure

Acting secretary

COMMISSIONERS

TAMM BLAIR
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

WM. D. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman
TO BE KEPT IN THE FOLLOWING

Cherokee Freedmen
2 968

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 4, 1904.

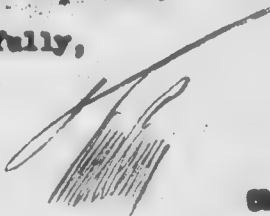
Sarah Martin,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting your application for the enrollment of yourself and your minor children, Thomas, Meldecia, Willie K., John K. and Helena Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,



Chairman.

COPY.

Cherokee Freedmen
D 928

Muskogee, Indian Territory, October 4, 1904.

Louis T. Brown,
Attorney for Sarah Martin, et al.,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Sarah Martin and her minor children, Thomas, Meldonia, Willie H., John H. and Helena Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

Jams Dixby.
Chairman.

COPY.

Cherokee Freedmen
D 925

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Sarah Martin and her minor children, Thomas, Meldonia, Willie M., John H. and Helena Martin, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

Tame Dixby.
Chairman.

Cherokee Freedmen
R 780

Muskogee, Indian Territory, August 31 , 1906

Irwin Donovan,

Attorney for Sarah Martin, et al.

Muskogee, Indian Territory.

Dear Sir :

This office is in receipt, on June 25, 1906,
of a motion made by you for a rehearing and readjudication
of the Cherokee freedmen enrollment case of Sarah Martin
et al. , R 780.

Said motion will receive the proper considera-
tion of this office and be transmi ted to the Department
for action thereon, at the earliest practicable date,
of which you will be promptly advised.

Respectfully,

J M B

Acting Commissioner

Muskogee, Indian Territory, January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion, filed June 25, 1906, by Irwin Donovan, attorney in Muskogee, Indian Territory, "for readjudication and rehearing" of the Cherokee freedmen case of Sarah Martin, et al.

Mr. Donovan, in his letter dated June 25, 1906, submitting the motion, stated that affidavits to accompany the motion could not be obtained in time to attach them, and he requested that the motion be not acted on until "about thirty days so that the affidavits may accompany the motion when it is forwarded to the Secretary." Although a reasonable time has elapsed, no affidavits have been filed in support of this motion.

The reply of the Attorney for the Cherokee Nation to this motion, filed July 17, 1906, is also enclosed.

The decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application of Sarah Martin for the enrollment of herself and five minor

children was affirmed by the Department September 10, 1904, (I.T.D.7104-04). The applicants were rejected because they failed to establish that Sarah Hilderbrand, the ancestor through whom all of the applicants claim Cherokee freedmen citizenship, was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion.

As to that part of the motion asking for a readjudication there is no merit, as no error or misconstruction of the law in the Department's decision is pointed out.

As to that part of the motion asking for a rehearing, it wholly fails to show that there is any merit to the same, and it comes within the ruling of the Department of September 26, 1906 (I.T.D.18464,18068-1906), in the Cherokee freedmen case of Jennie Martin, et al.

In view of the record and of the showing made, it is respectfully recommended that the motion be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Encl.P-33

MMP

-COPY-

Refer in reply to the following:

LAND
1246-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated January 3, 1907, transmitting a motion for readjudication and rehearing in the Cherokee freedmen case of Sarah Martin, et al., filed with the Commissioner on June 25, 1906.

Irwin Donovan, attorney at law, Muskegee, Indian Territory, who filed this motion in behalf of the applicants, said in his letter of June 25, 1906, submitting the motion, that affidavits could not be obtained in time to attach them to the motion and requested that no action be taken thereon until about thirty days thereafter. The Commissioner says that a reasonable time has now elapsed but no affidavits have been filed in support of the motion.

The reply of the attorney for the Cherokee Nation, filed with the Commissioner July 17, 1906, is also enclosed.

The decision of the Commissioner, dated July 23, 1906, rejecting the application of Sarah Martin for the enrollment of

-2-

herself and five minor children, was affirmed by the Department on September 10, 1904 (I.T.D. 7104-1904).

The record in the case is forwarded herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

Y.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

M.C. 6298-1907.
I.T.D. 1468-1907.
L.R.S.

January 29, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion "for readjudication and rehearing," received with your letter of the 3d instant and Indian Office letter of the 21st instant, in the Cherokee freedman case of Sarah Martin et al. is denied for the reason stated in your letter.

A copy of Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 6 to Ind. Of.

Cherokee F.
R 780.

Muskogee, Indian Territory, February 16, 1907.

Sarah Martin,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case, filed by your attorney Irwin Donovan, Muskogee, Indian Territory, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

HJC

Commissioner.

Cherokee v
R 780.

Muskogee, Indian Territory, February 16, 1907.

Irwin Donovan,

Attorney for Sarah Martin, et al.,

Muskogee, Indian Territory,.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Sarah Martin, et al., filed by you, was denied by the Secretary of the Interior, January 29, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-79.
HJC

Commissioner.

Cherokee v.
R780

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Sarah Martin, et al., filed by their attorney, Irwin Donovan, Muskogee, Indian Territory, was denied by the Secretary of the Interior. January 29, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-80.
HJC

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOCOE, IND. TER.



Sarah Martin,

Wagoner, Indian Territory.

0710 723

Department of the Interior.

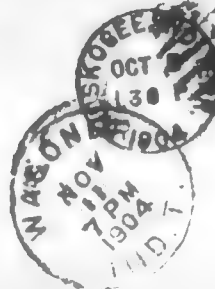
Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

Lachar

Sarah Martin,

Wagoner, Indian Territory.



NOV 10 1904

WAGONER, I.T.



UNCLAIMED



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mrs. Sarah Martin,

~~Wyanewood, Indian Territory.~~



5012

410

Cher. Fr. R 781

Cher. Fr. R-781

Trans. from Cher. F.D 926

712926

10

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILE

SLIP 1901

---3---

Freedman was a doubtless as a Cherokee
time; she will now be listed for enrollment as a Cherokee
continuously since the year 1890; she has lived here in that
Hayes, and avers that she has resided in the Cherokee Nation
she has been married once, and she has a son, and she has
was a slave, and she belonged to one Lewis Rogers, a Cherokee
the roll as indicated in the testimony, and she has lived
upon the Kern-Clinton roll according to the testimony, and she has lived
roll of 1890 of the Cherokee Nation, and she has lived
of herself; she could not have been listed upon the roll of 1890
of the Cherokee Nation, and she has lived upon the roll of 1890

To be filed with case of Sam Rogers, C. F. D.#926.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

Mellette & Smith for applicants.
W. W. Hastings for the Cherokee Nation.

In the matter of the application of Phyllis Hayes for enrollment as a Cherokee free man; she being sworn by Commissioner T.B. Needles, testified as follows:

- Q What is your name? A Phyllis Hayes.
Q What is your post office? A Coffeyville.
Q What is your age? A 50.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to have enrolled besides yourself? A No one.
Q Are you married? A No, sir.
Q Were you ever married? A Yes, sir, I lived with a man.
Q What was his name? A Crap Lynch.
Q What is your father's name? A Peter Rogers.
Q What was your mother's name? A Sophie.
Q Are you married to a man named Hayes? A I married a man named John Baldridge and went by the name of Hayes when I married him.

Applicant not found on the 1880 or 1896 rolls.
Kern Clifton roll examined and applicant found as follows:
Page 173, No. 4242, Phyllis Hayes, Cooweescoowee district.

- By Smith: Were you a slave? A Yes, sir.
Q Who did you belong to? A Lewis Rogers, and after his death to his widow Ellen.
Q Who did you belong to at the time of the war? A Ellen Rogers.
Q Was she a Cherokee Indian? A Hald Osage, her husband was a Cherokee.
Q Was he a recognized Cherokee citizen? A Yes, sir.
Q Where did he live? A on Spavinaw in the Cherokee Nation.
Q Were you there when the war commenced? A Yes, sir.
Q Where did you live during the war? A In the mountains.
Q Where was that? A To the hills above the house somewhere.
Q Did you remain in the Cherokee Nation during the war? A They took me to Neutral land on the Neosho.
Q Was the Neosho in a town or a river? A Town.
Q When did you first come back after the war? A When they moved the refugees back.
Q Where did you come to then? A Fort Gibson.
Q Cherokee Nation? A Yes, sir.
Q How long did you stay there? A A good while.
Q Well how long? A May have been 2 years.
Q Where did you go then? A On Brushy.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you stay there? A Quite a while.
Q Where have you been since that time? A In the Cherokee Nation.
Q Where do you live now? A Timber Hill.
Q How long have you lived there? A 2 or 3 years.
Q Is that in the Cherokee nation? A Yes, sir.
Q Have you any grown children? A Yes, sir.
Q What are their names? A Sam Rogers.
Q Who else, A Lewis Brady, Frank Brady, Bettie Lynch.
Q Is Bettie married? A Yes, sir, to Cal Cash.
A Have you been married more than once? A Yes, sir, three times.
Q Who was your first husband? A Crap Lynch.
Q When were you married to him? A Never married him, just lived with him.

Q Before the war? A Yes, sir, in slavery times.

Q Who was the next one you lived with? A I lived with my boss next.

By the Commission: You were not married to him were you?

A No, sir.

By Smith: Who were you married to next? A Mr. Brady.

Q You married him? A Yes, sir.

Q When? A Time of the war.

Q How long did you live with him? A 5 or 6 years as man and wife.

Q He was the father of Frank and Lewis? A Yes, sir.

Q Who was the father of the girl you named? A Crap Lynch.

Q Who was the father of the other boy? A My boss.

Q Where are these children living? A With me on Timber Hill.

Q In the Cherokee Nation? A Yes, sir.

By Hastings: Where are these boys now? A With me.

Q Was Lewis born before the war? A After the war.

Q Where was he born? A On Brushey Mountain this side on Fort Gibson.

Q How far from Chouteau? A I don't know.

Q How old is Lewis? A I don't know.

Q Where was Frank born? A On Brushey.

Q Who were you living with then? A Brady.

Q Where did you go from Neosho after the war? A Fort Gibson.

Q Who did yo? live with there? A Mary Rider.

Q In town? A Yes, sir.

Q Did she have a family there? A No, sir, just one son.

Q What was his name? A Jim.

Q Did she have no husband with her? A No, sir.

Q How long did yo stay there? A I don't remember.

Q A year? A May be, might have been 2, 3 or 4, I don't know.

Q Where did you first see Charles Chambers? A I saw him several times there at Fort Gibson.

Q Did you see him before the war? A I think it was during the war. It was either at Neosho or else at Fort Gibson, one of those two places.

Q Where did you first see the witness Baldrige? A I think it was during the war, he was a soldier tere.

Q How long after the war was it that you saw them? A I can't tell.

Q These are your witnesses? A Yes, sir.

Q And you don't know when or where yo? met them for certain?

A I might have met them at Neosho.

Q Where did you go from Brushey? A Up on Verdigris.

Q Did you go direct from Brushey to Verdigris? A If I am not mistaken; I staid at Fort Gibson a long time.

Q When did you go up to Fort Scott, Kansas? A I didn't go there untill long after the war.

Q How long after? A Some time after, I don't know just when.

Q What did you do there? A I worked.

Q Who for? A For Mr. Diamond in the hotel.

Q Your daughter Bettie was with you? A Yes, sir, two of them, yes all three of them.

Q Bettie is there still? A No, sir, she lives with me.

Q Hasn't she lived there ever since and isn't she living there now?

A No, sir, she is living with me, she staid with me.

Q How long has she staid with you? A Off and on.

Q I mean continuously the last time? A She has been with me three or 4 years off and on.

Q She came from Fort Scott down there? A No, sir, she has been with me off and on since she married.

Q Give years ago when the Kern-Clifton Court was sitting, Bettie was in Fort Scott wasn't she? A No, sir.

Q Her husband was there? A Yes, sir.

Q Her children were there? A No, sir, they has been with me.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 11th of July, 1901.

(Signed) T. B. Needles,
Commissioner.

-----0-----

CONTINUED, former portion taken by stenographer Chas. von Weise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Phillis Hayes for enrollment of herself as a Cherokee freedman;

JOHN C. BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

Appearances:

Mr. Smith, of Mallett & Smith, for the applicant;

Mr. W. W. Hastings, for the Cherokee Nation.

By Mr. Smith: State your name? A John C. Baldrige.

Q How old are you? A 71 years old.

Q Where do you live? A I live in Cooweescoowee district, on Verdigris.

By Mr. Hastings: Mr. Baldrige, have you ever been convicted of larceny in the United States Court? A I have been convicted in your own court too.

Q Have you been convicted in the United States Court? A You have got it there, yes.

Mr. Hastings: I examined him to test his competency to testify as a witness. I object to his testifying.

Mr. Smith: The applicant objects upon this examination to any other proof than the record of the conviction. Now, if the Court please, there are two rules upon that; if he is examined, and he can be asked these questions affecting his inability, but when it comes to the question of competency then you have got to have the record of conviction.

Com'r Needles: I don't know that this examination is to be conducted according to the strict rules of evidence; the object of the Commission is to get the facts in these cases, and when the case is examined for final hearing, the testimony can be entirely stricken out of it is not received at that time; let the motion go in that he not be permitted to testify on account of any knowledge of his having been convicted of larceny, and then on the final hearing in this case, if it is decided by the Commission to adhere to strict rules of evidence that will be discussed at that time, and his testimony if decided upon at that time as being illegal will be stricken out.

Mr. Smith: The applicant objects to the introduction of anything except a record of the conviction upon an examination touching the competency of the witness.

By Mr. Hastings, examining witness: Where were you convicted, in what court, and when?

Mr. Smith: I object to that, because the records will show it.

Mr. Hastings: We have got to find out; this is not intended to inculpate him.

Com'r Needles: No, it is not intended to incriminate him.

Mr. Smith: I object to that.

By Mr. Hastings, examining witness: Where were you convicted?

A Ft. Smith.

Q About when? A I couldn't tell just exactly.

Q As much as 10 years ago? A I expect about that.

Q Under what name? A John Baldridge. And on Dog Creek, in the Cherokee Court; they wouldn't allow me no witness.

By Mr. Smith: Do you know this applicant, Phillis Hayes?

A Yes, sir.

Q How long have you known her? A I have been knowing her for years I believe I got acquainted with her in the year 1863.

Q Where did you know her first? A She come to the army where we was camped at Ray's Mill.

Q You didn't know her before the war? A No, sir.

Q You don't know who she belonged to? A Well it was said she belonged to Rogers family, but I didn't know.

Q You don't know of your personal knowledge? A No, sir.

Q When did you see her next after you saw her there in '63 when she came to the army? A After the refugees got so heavy where I was camped, we moved the refugees to Neosho; it was called Neutral land at that time, and we moved them out at the Neutral Land for safe keeping.

Q Where was you or where was the army when she came to the army?

A Well she was right there after they moved them, she was right there at neutral land yet.

Q Where did she come to you? A We soldiers went to the refugees at Neosho to bring them down to Ft. Gibson.

Q Well did she go with you, with the soldiers? A First time she come to us from Ray's Mill; that was in '63, we camped there, and we taken them from Ray's Mill down to the Neutral land, and kept there until '65 and in ~~the~~ '65 we moved the refugees to Ft. Gibson, and she was along.

Q How long did she stay about Ft. Gibson? A I don't remember how long she did stay.

Q That was in what year? A That was in the year of 1866.

Q Was it '66 when you moved the refugees? A '66 we moved the refugees, you see we was to stay in the year '65 and '66 and then the whole refugees was in Ft. Gibson, the Cherokees, the colored all together.

Q You knew where this woman, Phillis Hayes, was in '66? A She was in Ft. Gibson.

Q You know how long she stayed about Ft. Gibson? A No, sir, I don't.

Q When did you next see her after 1866? A Well it was years, I couldn't tell you exactly how long, but then it was a good while.

Q Where was she living when you saw her next? A She came down from Kansas down and I was with her and I took her and married her and I took her home with me then and lived with her.

Q When was that? A I disremember what year that was.

Q Did you and she live together? A Yes, sir, we lived together for years.

Q How long? A 6 or 7 years.

Q Where did you live? A Gooseneck Bend.

Q How far from Nowata? A About three miles I guess, 4 miles; she left me in the year, I don't know what year, remember it though, the people took the small-pox on Grand river, that's the year she left.

Q You know where she has been living since that? A She went up in Kansas but the boys stayed there at her place there.

Q What place? A On the place where they is now, on my place.

Q Where is that place? A Up on ~~the~~ Gooseneck Bend, they live now at Timbered Hill, a little ways from me now.

By Mr. Hastings: You testified in this case before the Kern-Clifton Court? A Yes, sir.

Q Did you say anything about knowing her during the war then?

A Yes, sir, I knowed her time of the war.

Q Did you tell it before the Kern-Clifton court that you knew her during the war? A Yes, sir.

Q Did you tell anything about seeing her on the Neutral land then?

A Yes, sir, I said I stood guard over there right there at Neosho.

Q You told that right before the court? A Yes, sir.

Q You first saw her at Ray's Mill did you? A Yes, sir, that's where she came.

Q Where did you join the army? A Leavenworth.

Q In what year? A '61, and come on down then--

Q Who did you go up to Leavenworth with? A A good many of them.

Q Who? A I couldn't tell exactly.

Q Well anybody? A Captain Darby.

Q Where did you meet up with him? A I went to Kansas City to him; now let me show you; when these injuns got stirred up in the year '66 I took my young master and went to the army; we dodged around until we got to Leavenworth; that was in '61.

Q Your young master? A Yes, sir.

Q What was his name? A George Ross.

Q You and George Ross joined the army together, ran off?

A Yes, sir, I took him with me, and met a young Downing that was there in camp at Lawrence, Kansas, and then we was in Kansas City, Kansas, and we come on down to Ray's Mill; I belonged to the 6th Regiment, and the Indians was camped there.

Q You saw this woman after the war did you? A Yes, sir, I saw her in the year '66.

Q She went down with the refugees? A She went with the refugees from Neosho to Ft. Gibson.

Q That the town of Neosho? A No, sir, it wasn't no town, it was just a camp.

Q On which side of the river was it? A On Yonder side.

Q That would be the east side of the river? A Yes, sir, next to Ft. Scott. We got our rations from Ft. Scott.

Q How far from Ft. Scott was it? A I couldn't tell you exactly.

Q You remember her particularly? A I knowed her particular, because she was in Kansas side and I was ministering to her, I made medicine for her.

Q You were practicing medicine then? A Yes, sir, all through the army.

Q Was her mother along with her at that time? A I don't know her mother.

Q Was her father along with her? A I don't know her mother.

Q About what aged girl was she at that time? A I couldn't tell, she was the mother of two children.

Q About how old were they? A Sam Rogers was a little baby; had a little girl.

Q Were these children along when you first saw her over at Kansas line? A She had Sam and Bettie.

Q Were they with her when you saw her at Ray's Mill? A Yes, sir, when she come to us she had one little baby, little girl.

Q What time did she live at Ft. Gibson? A I ~~couldn't~~ couldn't tell you.

Q Didn't she stay in nobody's house there? A I couldn't tell you.

Q How long did you live around Ft. Gibson at that time?

A I moved away from Ft. Gibson, I stayed there 20 years ago now.

Q You lived there a number of years after the war? A Yes, sir, I was a soldier and stayed right there.

Q You don't know who she lived with? A No.

Q Don't know whose house she lived in? A No, sir, we never had no houses, just shed and tents made out of cow hides.

Q When did you next see her after that? A I couldn't tell you.
Q About how many years? A I couldn't tell you that to be sure.
Q When you commenced living with her she had come down from Ft. Scott? A Come from Kansas, but I don't know what part of Kansas.
Q She bring anybody with her? From up there? A She brought boys along.
Q How many? A She had three boys when she come down here, and I married her, and then she had three more others, two more boys and one girl.
Q Where was her daughter Bettie at that time? A I don't know exactly where she was at that time.
Q Was she living with her? A I don't know.
Q Wasn't you living with her? A She wasn't living with her when I first married her.
Q Did she ever live with her while you lived with her? A Yes, sir, every one of them lived with her.
Q Didn't you swear before the Kern-Clifton Commission with reference to Bettie Cash, didn't you say, she has never lived here, but always lived in Ft. Scott? A You asked me the question, where she is now, and I told you in the Clifton court, she was in Ft. Scott; you never asked me about living with me; you ask me now if she is living with me, but at the time you asked me I told you just how it was.
Q She lived with you how long, this woman? A I couldn't tell you exactly.
Q Can't you give us any idea how long that was? A I told you a while ago she left me the year all the people had small-pox down on Grand river.
Q That's the year she left? A Yes, sir.
Q Where did she go? A She went up in Kansas I guess.
Q You continued to live up there on Big Creek? A Not Big Creek, I lived in Gooseneck.
Q Well you lived there? A Yes, all the time.
Q How long since you saw this woman after that? A I seen her off and on sometime be going two or three months.
Q How long was it until you saw her then after she left?
A I couldn't tell exactly how long.
Q Where did you see her the next time keeping house?
A Next time I saw her keeping house at Timbered Hill.
Q Where is that? A That's about 7 miles of where I live now.
Q I don't know where that is A I told you I live at Gooseneck Bend.
Q What town is the nearest to you? A Coffeyville.
Q How long has she been living there? A I don't know.
Q You don't know how long she located there? A No.
Q She been there a year? A Oh yes.
Q Two years? A Over 2 years I guess, I don't know.
Q Is that your best judgment? A Yes, that is my best judgment, I don't know.

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows: By Mr. Smith:

Q State your name. A Charley Chambers.
Q How old are you? A 70 years old.
Q Where do you live? A On Big Creek.
Q How long have you lived in the Cherokee nation? A I have lived in the Cherokee Nation all my life.
Q Do you know this applicant, Phillis Hayes? A Yes, sir.
Q How long have you known her? A I knowed her before the war.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Lewis Rogers.
Q Was he a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee nation? A Yes, sir.
Q Where was he living and where was she living time the war commenced? A On the other side of Grand river.

- Q In the Cherokee nation? A Yes, sir.
- Q Did you see her during the war at any time? A That was after the war.
- Q When did you first see her after the war? A I seen her after I come up from Ft. Smith, I seen her there at Ft. Gibson, living right on the river.
- Q When did you see her at Ft. Gibson? A That was along in '65, I seen her.
- Q Did you go out of the Cherokee nation yourself? A Yes, sir.
- Q When did you come back? A I come back in '65.
- Q You know what time in '65 you come back? A I come back along in the spring.
- Q How long after you came back was it until you saw this woman?
- A I come somewhere along up in the summer; corn was tasselling when I come from Ft. Smith, that was along in '65.
- Q Well what was I doing when you got up to Ft. Gibson, still tasselling? A Yes, sir, still tasselling.
- Q When did you see her, how long had you been at Ft. Gibson when you saw this woman? A Oh I had been up there I guess a couple of weeks.
- Q How long did you stay at Ft. Gibson at that time then?
- A I didn't stay there but a little while; I knocked around there a day or two, first one place and another.
- Q When did you next see Phillis after you saw her there that time?
- A I saw her on Bl Creek, not Big Creek, but on this side of the Verdigris river.
- Q About how long after you saw her at Ft. Gibson? A That was about a year afterwards, or two years.
- By Mr. Hastings: Who was her master before the war?
- A Lewis Rogers.
- Q You was up there before the war? A I passed along through by there, yes, sir.
- Q Where were you going? A I don't know where my old master was going, I was along with him.
- Q What kind of a house did her master live in? A I couldn't say now.
- Q Where was it at? A On the other side of Grand river I know.
- Q Was that in Tahlequah district? A I don't know whether it was Tahlequah district or Flint district, I don't know what they called it then.
- Q Where did you live? A I lived at Park Hill.
- Q How far was it from the town of Tahlequah that she lived, where she and her owners lived from Tahlequah? A I don't know, sir, how far it was.
- Q Was it as much as ten miles? A Oh it was I guess about 15 or 20 miles, I don't know, I guess so, I don't know exactly how far it was.
- Q You don't know what sort of place it was they were living?
- A No, sir, we just passed along there, the old man stopped there a little while, and I would always go along with him to take care of the horses.
- Q You recognize her as being there? A Yes, sir.
- Q And you saw this woman there at that time? A Yes, sir, if it wasn't her it was her sister.
- Q And that's all the acquaintance now you had with her before the war? A Yes, sir.
- Q How long did you stay there at Lewis Rogers? A Didn't stay there but a little while.
- Q How long, just to rest? A I reckon that's what he stopped for.
- Q What sort of looking man was Rogers? A There were two or three men there, and I didn't know which one was Rogers; there were two or three men there.
- Q Any creeks, rivers or branches near their house? A I don't just recollect now.
- Q You didn't see her mother there at that time? A No, if I did I didn't know it.
- Q Well, Charley, about how old was she, your best judgment, at

that time? A Well I couldn't tell you just about how old she was, seems to me like she was pretty near grown.

Q Was she a young woman? A Looked to me like she might have been.

Q Did you talk with her at that time? A No, sir.

Q Never had any talk with her? A Hadn't talked with her at all, I just saw her.

Q Just happened to see her in the house? A Yes, sir, she was in the house and I was out at the outside fence with the horse.

Q You just saw her in the house? A I saw her walking about in the yard.

Q That's all your knowledge of her before the war? A Yes, sir.

Q Where did you see her next? A She was at Ft. Glasson.

Q Who was she living with then? A She was living by herself then, I guess her children was there, I don't know who it was, she was living right there on the river.

Q On what river? A Grand river.

Q How far from the old garrison? A It was reckon a quarter of a mile.

Q Above or below? A Below.

Q Near the old Bushyhead house? A Yes, sir, right in there.

Q Did she have a husband then? A If she did I didn't know it.

Q Was you at her house? A No, sir, she told me where she lived, and I saw her going up there from the city.

Q You recognized her as having seen her before the war? A I thought I didn't, and I talked with her, and she told me where she lived.

Q That was after the war? A Yes, sir, that was in the summer of '65.

Q She was living up there? A Yes, sir.

Q Then you saw her after the war, later? A It was a year or two, yes.

Q And she was living on the same place then? A No, sir.

Q Where was she living? A She was living up on the Verdigris.

Q A year or possibly two years later? A Yes, sir.

Q You put it then in '66 or '7 you saw her up there? A Yes, sir, I think as well as I can come at it, it was about '67.

Q Who was she living with then? A When I saw her then she was living with this man Hayes.

Q That was in '67? A Yes, sir.

Q That was in Gooseneck? A No, sir, it was up about Goose Lake, up about where there used to be an old mill set right in the bend of the river.

Q You was at their house? A Yes, sir, I went to their house over there, that's where I used to haul lumber from.

Q You hauled lumber from that mill up there? A Yes, sir.

Q In '67, about what time in '67 was it? A It wasn't in '67 I hauled lumber from there, it was about a year or two after that.

Q Who was running that mill? A I don't know who the mill did belong to.

Q But you was at their house in '67 up here about Gooseneck bend on Verdigris? A Yes, sir.

Q She was living with John Baldridge at that time? A Yes, sir.

Q How long after that until you saw her again? A I saw her often and on after that every three or four weeks, sometimes it would be a month or two, I would see her often and on.

Q Where was she living? A They lived right there.

Q How long did she live there at that place? A I don't know how long they did stay there.

Q Does she live there yet? A No, sir, she don't live there now.

Q Did you ever know her in Ft. Scott, Kansas? A No, sir.

Q You never? A No, sir, I never did.

Q You know she lived on Verdigris all the time? A She lived there all the time when she wasn't working in Coffeyville.

Q You know she was working in Coffeyville a while? A Yes, sir.

Q Where did you live? A I lived right on the river, on the other side.

Q Were you ever tried for perjury in the United States Court at Ft. Smith? A No, sir.

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Com'r Needles: Phillis Hayes applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was a slave, and belonged to one Lewis Rogers, a Cherokee; she has been married once or twice, and is now married to one Hayes, and avers that she has resided in the Cherokee Nation continuously since the year 1866; she returned here in that time; she will now be listed for enrollment as a Cherokee Freedman upon a doubtful case; awaiting further consideration of the Commission. She will be notified at her post office address of the disposition of her case.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceeding in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscriber and sworn to before me this July 10, 1901.
(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that same is a true and complete copy of the original transcript in the above case.

J. O. Rosson

Subscribed and sworn to before me this August 31st, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 28th, 1901.

In the matter of the application of Sam Rogers for the enrollment of himself as a Cherokee Freedman; said Rogers being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, For Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

- Q What is your name? A Sam Rogers.
Q How old are you? A About 36.
Q What is your post office? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowas.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
BY MR. SMITH:
Q Mr. Rogers, how old did you say you were? A About 36.
Q Who is your mother? A Phillis Hayes.
Q Do you claim your citizenship through Phillis Hayes? A Yes, sir.
Q Is she the same Phillis Hayes who applied here for enrollment before this Commission? A Yes, sir.
Q Were you present when she applied? A I was.
Q Where do you live? A I live on Timbered Hill.
Q Where is that? A It is west of here, northwest of here.
Q How far from Nowata? A About 18 or 20 miles.
Q In the Cherokee Nation? A Yes, sir.
Q How long have you lived there? A About four or five years.
Q Where did you live before that? A Down on the river, on the Verdgris.
Q Is that in the Cherokee Nation? A Yes, sir.
Q How long did you live in the Cherokee Nation? A In here the biggest portion of my life.
Q Well, how long have you been living continuously in the Cherokee Nation? A I have lived the biggest portion of my life but I have been out and in; I stayed in El Reno, Oklahoma, about six months.
Q How long ago is that? A About seven or eight years ago.
Q How long have you been living at the place you are on now? A Four or five years.
Q Have you a farm? A Yes, sir.
Q Where is it? A On the Timbered Hill.
Q Is that the first farm you ever owned in the Cherokee Nation? A I have worked on the farm for my father-in-law, that is all the farm I ever took up.
Q Do you know where you were born? A My mother said I was born on Spavinaw.
Q Where is that? A Cherokee Nation.
Q Where were you living as far back as you can remember, when you were a boy? A Where I remember is on the Verdgris.
Q Is that your earliest recollection? A Yes, sir.
Q What part of the Verdgris? A It is about 14 miles this side of Coffeyville.
Q In the Cherokee Nation? A Yes, sir.
BY MR. HASTINGS:
Q How old did you say you were? A About 36.
Q You were born before the war or afterwards? A I don't know exactly, I disremember.
Q You don't know whether you were born before the war or afterwards? A No, sir.
Q Do you know when the war was? A No, sir.
Q But you remember Fort Scott, Kansas, don't you? A Yes, I knew Fort Scott, Kansas.
Q You could first remember there is where you lived? A I never

Sam Rogers.--2.

lived in Fort Scott in my life.

Q You have got a sister Bettie living up there? A That's not me living up there.

Q You have a sister named Bettie Cash? A Yes, sir.

Q Does she live at Fort Scott? A I don't know.

Q Where does she live? A I suppose she is living in the Cherokee Nation; she is traveling in the churches.

Q What is her husband's name? A Cal Cash.

Q When did he come from Fort Scott? A Four or five years I guess.

Q You didn't come down to the Wallace Court from Fort Scott, yourself? A Yes, sir.

Q From Fort Scott? A Yes, sir; I came right from Fort Scott at that time.

Q That was in 1889 was it? A I think it was.

Q Were you ever married? A Yes, sir.

Q What was your wife's name? A Stella Williams.

Q What was her father's name? A Billy Williams.

Q Mother? A Mary Williams.

Q Who married you? A Wear, Elder Wear.

Q Where at? A In El Reno, Oklahoma.

Q What year? A '94.

Q Have you any children? A Had two.

Q What became of them? A Died.

Q Where did they die? A One died in El Reno.

Q Where did the other die? A Here in the Territory.

Q When was the first time you had a home here, lived in a house of your own? A When I remember I had a home, that is with my mother.

Q You have got one in the sky every where? A Yes, sir.

Q Where did you have a house? A I never owned a house to myself until four years ago.

Q That is when you first permanently located?

A No, sir, I have been working with my step-father with him, off and on.

Q What was his name? A He used to go by the name of John Baidridge.

Q When did he marry your mother? A I don't know.

Q Don't remember? A No, sir.

Q How long did you live with him? A I stayed with him quite a spell.

Q What towns in Kansas have you been in? A I have been in pretty near every town in Kansas.

Q Worked in all of them? A Yes, sir, pretty near.

Q And in Oklahoma? A Yes, sir.

Q You were married but the one time? A Yes, sir.

Q Where were you married? A Married at Iola, Kansas.

Q When were you married? A '85.

Q Is she a state raised woman? A I don't know.

Q Did she die or you separate? A Separated.

Q Where? A Never did live together.

Q After you married never did live together? A No, sir.

Q Not even a day? A No, sir.

Q You married her and went away? A Yes, sir.

Q Did you ever marry again? A That is all; been wanting to get married.

BY MR. SMITH:

Q Are you on any of the rolls? A Yes, sir, on the Kern-Clifton roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 184, #4549, Sam Rogers, Cooweescoowee District.

Sam Rogers, --3.

Q Where have you lived before you were old enough to work; you spoke of working at different towns in Kansas; where did you live before you were old enough to work in those places?

A I was a boot-black, after there so long I took a bootblack box/

Q What relation is Phillis Hayes to you? A Mother.

VOM'R NEEDLES: Samuel Rogers applies for the enrollment of himself: He cannot be identified upon the authenticated roll of 1880 or census roll of 1896. He is identified upon the Kern-Clifton roll according to the page and number of the rolls as indicated in the testimony. He avers that his mother is Phillis Hayes, through whom he claims citizenship, and said Phillis Hayes was listed for enrollment upon doubtful card #908, as a Cherokee Freedman. The testimony taken in her case will be made part of the record in the case at bar and a copy thereof filed herewith. Said Samuel Rogers will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified of the decision of the Commission when arrived at.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 15th day of July, 1901.

[Signature]

Commissioner.

When did you first know her in 1880? In '80.
Didn't know her up till '90? A I might have known her before that.
It was somewhere around '80 or '81 that you first knew her? A Yes sir.
What was she doing there? A Washing.
Cooking? A Yes sir.
Day's work? A Yes sir.
Have you ever been convicted of any offences? A Shooting a man.
When? A '84.
What did they do with you? A Sent me to the pen.
For how long? A Three years.
Where to? A Leavenworth.
Anything else? A Fighting.
Convicted of peddling whiskey? A I was convicted but I wasn't guilty.
You pleaded guilty to it didn't you? A Yes sir.

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This will also be filed in Cherokee Freedman Doubtful cases, D-926,
D-1003 and D-825.

Chas. von Weise, being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full all
the proceedings in the above cases and that the foregoing is a full,
true and correct transcript of his stenographic notes therein.

File with

San Rogers, C. F. D. 226.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8, 1901.

SUPPLEMENTAL TESTIMONY in the case of Phillis Hayes, C. F. D. 226.

Appearances:

W. W. Hastings for the Cherokee Nation
Mellette & Smith for the applicants.

—Witnesses placed under the rule—

J. E. THORP being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the ~~applicant~~ Cherokee Nation.

(By Hastings)

Q What is your name? A J. E. Thorp.

Q What is your post office address? A Iola, Kansas.

Q How long has that been your post office address? A Ever since it was a post office.

Q When was that? A In '59.

Q How large a place was Iola at the close of the war? A Two, three or four hundred.

Q How large a place is it now? A 8000, about.

Q Do you know a colored woman that went by the name of Phillis Hayes? A Yes sir.

Q Where did you know her? A At Hubbard's Mill adjacent to Iola.

Q When did you first know her? A October or November of '67.

Q Did she have any children that you know of them? A I think she had.

Q Did you know them after that? A I never knew but Sam and Lewis that was after that.

Q Where was Phillis Hayes when you first knew her? A Half a mile from Iola at Hubbard's Mill.

Q You don't know when she first came there? A No sir.

Q How long after that did you know her? A 3 or 4 years.

Q Did she ever do any work for you? A I don't remember if she did or not.

Q Do you know where she went to from Iola? A She went to Humbolt, I heard.

Q How far is Humbolt from Iola? A Eight miles.

(By Smith)

Q The woman you are talking about, you first became acquainted with in '67? A Yes sir.

Q It might have been in '68? A I don't think it was.

Q Are you absolutely positive as to the date? A No sir, in October or November though.

Q Are you positive as to the year? A I think I may say so.

Q Do you say so? A Yes sir I will.

Q You know a colored woman named Phillis Hayes about Iola Kansas in '67 in the fall, now do you know if it is the same woman who is an applicant here for citizenship? A No sir.

Q Do you know how old she was? A She is quite aged.

Q An old woman then? A No sir, now.

Q Have you ever seen her since then? A Yes sir, once or twice.

Q When? A 10 or 12 years ago.

Q When did she leave there? A I won't say as to that.

Q Was it several years ago? A In '73 or '4.

Q During that time what was she doing? A Washing.

Q Hired out? A Yes sir.

Q You don't know if she was there continuously or only a part of the time? A Continuously at that time I think.

Q You can't state positively that she was there all the time? A No sir.

(By Hastings)

Q Do you know Bettie Cash? A Not until quite recently.

Q Is there any relationship between Bettie Cash and Phillis Hayes? A

A I don't know, report says there is; sh. lived at Fort Scott and came back to Iola—I presume that it is her child.

(By Mr. Smith, " I object to the presumption of the witness."

(By Hastings)

Q Have you been informed that Phillis Hayes is the mother of Bettie Cash? A Yes sir.

(By Smith)

Q Who informed you that? A I heard it talked by several.

Q By whom? A I cant name any individual.

Q By disinterested persons who were not connected with the family? A Yes sir.

By Smith: " I object to the above testimony and move to strik it out wherein it refers to the relationship between Bettie Cash and Phillis for the reason that it is not within the rule to allow him to testify that he heard any statement from any person not connected with the family, as to that relationship.

REECE CRAVENS, being first duly sworn by Com'r T. E. Needles testified as follows on the part of the Cherokee Nation—

(By Hastings)

Q What is your name? A Reece Cravens.

Q What is your age? A Between 41 and 2

Q What is your post office address? A Vinita.

Q How long has Vinita been your post office? A Between 5 and 8 years.

Q Did you ever live in Iola, Kansas? A Yes sir.

Q Ever live in Humbolt, Kansas? A Not exactly.

Q How far is Humbolt from Iola? A 8 miles.

Q Did you ever know a colored woman named Phillis Hayes? A Yes sir

Q Where? A Iola and Humbolt Kansas.

Q When did you know her in Iola? A '80 an '81, maybe further back than that.

Q Was she living there? A Yes sir.

Q Did she have any children? A Yes sir.

Q Name them? A One Lewis Brady, Sam Rogers, Little Dadie, he is dead.

Q Where did he die? A Humbolt.

Q You knew them first in Iola? A Yes sir.

Q Where did they go, to from Iola? A Humbolt.

Q How long did they live at Humbolt? A I knew her living in Humbolt—I cant tell exactly what year she went there; she married a man named Hayes after that; it was the year she married.

Q When did she leave up there? A She left up there— I dont know exactly the time, she left there right away after she married sometime in '81 or '82 and came here to the Nation.

Q How long did she stay here? A Only about six months.

Q Where did you next see her? A Humbolt.

Q Living there? A Yes sir came back there.

Q How long did she continue to live there that time? A When I left Iola Kansas and goes to Wichataw she was living there in Humbolt.

Q When was that? A When the Missouri Pacific was built from Fort Scott to Wichat w.

Q About how long ago was that? A After '80 and '81 that was when I left there, she was then living in Humbolt at that time.

Q You stated she married and come here six months and then come back have you seen her since that? A No sir, but I have seen her in Kansas but not at either of these places.

Q Do you know where she is living now? A No sir not exactly.

Q Did you see her here during the last payment? A Yes sir.

Q Do you know where she came from then? A I dont know exactly where she came from that time.

(Smith)

Q Where did you first know this woman Phillis Hayes in Kansas? A Iola.

Q Did she live in Iola before she lived in Humbolt? A I knew her first in Iola.

Q When did you first know her in Iowa? A In '80.
Q Didn't know her up till '80? A I might have known her before that.
Q It was somewhere around '80 or '81 that you first knew her? A Yes sir.
Q What was she doing there? A Washing.
Q Cooking? A Yes sir.
Q Day's work? A Yes sir.
Q Have you ever been convicted of any offence? A Shooting a man.
Q When? A '84.
Q What did they do with you? A Sent me to the pen.
Q For how long? A Three years.
Q Where to? A Leavenworth.
Q Anything else? A Fighting.
Q Convicted of peddling whiskey? A I was convicted but I wasn't guilty.
Q You pleaded guilty to it didn't you? A Yes sir.

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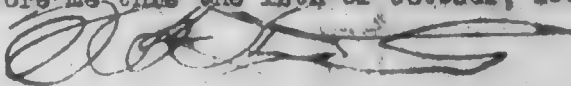
This will also be filed in Cherokee Freedman Doubtful cases, D-926,
D-1003 and D-885.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 12th of October, 1901.



Commissioner.

926

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JAN 10 1900
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Bettie Cash et al., C. F. D. 835.

Appearances:

James S. Davenport for the Cherokee Nation.
Joseph Sequichie agent for the applicants.

THOMAS LAHAY being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Thomas Lahay.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A Ever since '82, I have resided continuously there; I have been in the country there for 30 years.

Q Are you in business in Fort Scott? A Yes sir, I have been in different kinds of business.

Q Since you have been residing in Fort Scott, have you become acquainted with a colored woman by the name of Bettie Cash? A Yes sir, I knew her well.

Q Where was she living when you first got acquainted with her? A I don't know exactly what house she lived in, she lived in the bottom there near the mill.

Q When did you first get acquainted with her? A In '85.

Q She was then living at Fort Scott or in the bottoms near here? A Yes sir.

Q After that time did you see anything of her? A Yes sir, I had a good deal of dealings with her about three or four years ago.

Q What kind of dealings did you have with her? A They bought a house and moved it on a lot and then they never paid any taxes for it and I bought it in and got a tax deed after three years; I first paid the taxes in '88 and got a deed in '91.

Q Where was she living during that time? A On that place.

Q After that, what dealings did you have with her? A She rented from me after that for a dollar a month.

Q For how long? A I never charged her anything from two years and she staid there, but I had to get possession of the place or lose what interest I had in it and so then I made a rent contract with her and Cal, her husband for a dollar a month.

Q What was her husband's name? A Cal Cash.

Q How long did you rent that place to her and her husband? A I think it was in '93 that I commenced to charge, and they paid it up to about 3 or 4 years ago when they left, that is I got as much out of them as I could during that time.

Q Do you remember any circumstance of their leaving, or with reference to her going away for any time? A Yes sir she was gone a while, she came here to the Nation and recovered some money, I know I tried to sell her the place after she came back with the money but she didn't seem disposed to buy it, it was not worth much anyway.

Q Did you rent that place to her any after she came here and got that money? A Yes sir.

Q For how long? A About a year.

Q After that what became of her? A She quit her man, she left Cal and she went traveling around doing Missionary business as she called it. I had some dealing with her then and she wrote me a letter from up north somewhere.

Q What kind of business did you have with her then? A She was owing me some,

Q What kind of business did you say she was engaged in when she was traveling around? A She called it Missionary business, collecting money for churches, to build churches, she followed that for several years.

- Q Do you know where she is living now? A I do not know.
(By Mr. Sequidie)
- Q What is your name? A Thomas Lahay.
- Q What is your business? A I have been in different kinds of business. I have been principally in the loaning business.
- Q Ever loan Mrs. Gash anything? A Yes sir.
- Q What was it? A I kept a pawn shop and make loans in large amounts and small amounts.
- Q How long have you been loaning her? A I have had more or less dealings with her when she left there.
- Q When did she leave there—when was it? A She pawned some things there when she left.
- Q When did she leave? A I dont exactly remember, three or four years ago.
- Q You dont remember exactly? A No sir.
- Q You say she lived at Fort Scott in the bottoms? A Yes sir in the city.
- Q Did she own the property she was living on? A Yes sir.
- Q Who transported for the property? A Her and Cal.
- Q Cal who? A Her man.
- Q Did she own that property? A Well she didn't have a clear title to it.
- Q You say she didn't have a clear title to it? A She had a mortgage on it, and —
- Q Then she didn't own it? A Well she held possession of it and had it mortgaged.
- Q Did she ever have a clear title to that property? A No sir.
- Q How long did she live in that house that wasn't really hers? A She had an equity in it, but there was a mortgage on it.
- Q How long did she live there? A They moved that house there in '87 that was that last house, the one I got a tax title to, they were renters before that.
- Q For how long before that? A 3 or 4 years.
- Q What were they doing there? A Cal was working at the Mill and she took in washing.
- Q Was it in '87 that you made that loan to them and had to take the property? A No sir I never said I made a loan to them on the property, I got the property for taxes.
- Q How much did you loan them on that property? A I never loaned them anything on it, they failed to pay the taxes and it was put up by the County Treasurer and I bought it is and afterwards got a tax title to it.
- Q How long did they live in that house? A From '87 until 3 years ago.
- Q Was she living there ever day? A No sir.
- Q Every week? A I cant say as to every week.
- Q Every month? A They was always there when I went after the rent.
- Q Did you go after the rent every month? A Not every month.
- Q She was not there continuously then? A I know she came here once and got some money.
- Q Did you have any conversation with her about her citizenship here? A I dont know that I did.
- Q How long did she stay here that time she came after the money? A Two or three weeks.
- Q How long since you saw her the last time? A 3 or 4 years.
- Q Where was she living when you last saw her? A Fort Scott.
- Q Was she keeping house and taking in washing when she left there? A No sir.
- Q What was she doing then? A Missionary work.
- Q What was she doing, building churches? A I dont know.
- Q Did she ever build a church in Fort Scott? A No sir, I dont think she even belonged to a church there.
- Q Did she ever tell you what kind of Missionary work she was doing?

A No sir I dont think she told me exactly.

Q Did she say that she had any personal interests in the Cherokee Nation? A She claimed that she got money here.

Q Isn't it a fact that you dont know from your own personal knowledge that she lived there from the time you know her to this day? A That was her residence from '87 until she left, that one house.

Q Do you know of your own personal knowledge that she lived there continuously from the first time you saw her in Fort Scott until she left? A I saw her frequently and I know she was not gone any length of time.

(By Davenport)

Q Have you the lease that was signed up by her and her husband for that property? A Yes sir. (Hands attorney the lease)

(By Sequoiah)

Q You said a while ago that the property was not worth much? A Not very much.

Q Well you made loans on it? A I never made any loans on it.

Q Thought you said you got it from them by reason of a loan? A No sir I said I got it at a tax sale.

Q What did she ever pawn to you then? A I dont know exactly, yes, when she got her money she come back and went to great extravagance and bought one of things they call a shirt waist and paid twelve dollars for it, and she pawned it to me for \$2.00 and I didn't make anything on it for I had to sell it for \$2.00.

Q Then she wasn't very extravagant was she if you only got \$2.00 for the waist? A She paid \$12.00 for it.

Q How do you know she paid \$12.00 for it? A That was what she said

Q What she said, do you know that she paid \$12.00 for it? A Only from what she said.

Q Don't know it of your own personal knowledge? A Never saw her pay the money for it, but she said she paid \$12.00 for it and it was a very fine piece of goods.

Q And you only got \$2.00 for it, who much did you make on that transaction? A Never made anything, I lost, I let her have \$2.00 on it and sold it for \$2.00

Q You were not much of a trader then were you? A Well I never made anything on that.

(By the Commission)

Q When did she leave Fort Scott? A 3 or 4 years ago.

Q She lived there until that time? A Yes sir.

Q Was she gone a good deal running backwards and forwards through the country? A Of late years she did, there was a preacher there, a Bishop, Bishop W. W. Johnson who was getting women to collect money for him to build churches with and he gave the women half what they collected; he had no church and I told Bettie that she had a right to all of it; he was renting from me too.

Q What year was this that she commenced the Missionary business? A I think Bishop Johnson was sent to the pen for some offence a short time after she commenced.

Q What year was it? A About 8 or 9 years ago I think think that she commenced it.

Q And before that she lived there and took in washing? A Yes sir.

(By Davenport)

Q Did she live there after she commenced this Missionary work? A Yes sir.

" The representatives of the Cherokee Nation offer in evidence the original lease between Thomas Lahay and Bettie and Cal Cash for the rent of property in the city of Fort Scott Kansas. "

BY COM'R MERRILL: The lease will be filed.

WILLIAM SUTTON, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

Q What is your name? A William Sexton.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A Since '69.

Q Since you have been living there did you get acquainted with a colored woman by the name of Bettie Cash? A I did.

Q Did you know any of her family? A I knew her husband.

Q What is his name? A Nelson Cash.

Q About how long ago was it that you got acquainted with her, with Bettie Cash? A Some 15 or 16 years ago.

Q How long did they live there to your knowledge? A They remained there until a few years ago.

Q How many years back? A I think they have been gone from here probably some five or six years.

Q Did they keep house there? A They did.

(By J. W. Sequichie)

Q What did you say the husband of Bettie Cash was named? A Nelson.

Q You are positive about that? A Yes sir.

Q How long did he live there? A I got acquainted with them about 15 or 16 years ago.

Q Where were they living when you first got acquainted with them? A When I got acquainted with him he was working in the mill there.

Q How many mills did they have there in Fort Scott? A There one flouring mill there now.

Q How many different kinds of mills did they have then? A When he worked at the Goodlander mill that had a custom mill there.

Q How long did he work there at that mill? A I can't say.

Q Were you near neighbors of these people? A I was acquainted with them.

Q How often did you see Mrs. Cash? A Probably once or twice a week.

Q How often did you see them every once or twice a week? A Probably for 15 years.

Q Was Mrs. Cash living in Parsons continuously from the time you first knew her until she left? A Parsons?

Q I mean Fort Scott? A Yes sir until perhaps 5 or 6 years ago, he left there and I don't know where he went and she remained there a short while after and then she left there.

Q Where did they go? A I don't know where.

Q Did you know anything about this woman, whether she ever claimed to be a Cherokee freedman? A I never knew it until she made the draw down here.

Q What is Mrs. Cash's occupation? A Same as any other laboring woman, washing or working round.

Q Did you know anything about her being a Missionary woman? A I think she claimed to be.

Q You think, do you know? A I know it because one time she came to where I was working and asked for a contribution for church and said she was making collections.

Q Did you give her anything? A No sir.

Q Did she ask these donations from church in Fort Smith or elsewhere? A Both there and elsewhere.

Q You don't know when she was gone? A I could hear of her at different places.

Q What year was the first year that you ever saw Mrs. Cash at Fort Scott? A It has been about 15 or 16 years since I got acquainted with her.

Q That was in about '85? A Probably in about '80.

(By Deavenport)

Q Did you learn of her doing any other business besides washing or Missionary work? A No other business.

Q What was her reputation there as being in any other business there than taking in washing or Missionary business? A No more than by reputation.

BY Sequichie: " I object to that because he don't know, and the agent for the applicant calls the attention of the Commission that

he refers to the husband of Bettie Cash as Nelson, and this is not the person in question.

(By Davenport.)

Q What kind of looking man was Nelson Cash? A Tall dark looking man.

Q Do you know if he ever went by any other name than Nelson, of your own knowledge? A No sir.

Q You know he was the husband of Bettie Cash? A Yes sir.

Q And that Bettie Cash was the woman who solicited contributions for churches? A Yes sir.

Q What portion of the city did they live in? A Buck Run, some calls it, there by the Goodlander mill in the Bottom.

JOHN FORBS called and sworn by Coun'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A John Forbes.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A 33 years.

Q Since you have been living there did you get acquainted with a colored family named Cash? A Yes sir.

Q What name did the husband go by? A We always called him Cal.

Q What was the woman's name, if you know? A Bettie.

Q What kind of looking woman was Bettie, if you know? A She was a brown or yellow looking woman.

Q About how long did you know her at Fort Scott? A I knew her for over 15 years.

Q When did you first get acquainted with her? A I think I first got acquainted with her in the Police Court.

Q About what year? A I think in '84 or '85.

Q They didn't have you and Bettie both up in the Police Court did they? A We were both there.

Q Do you know where they were living at that time, what part of Fort Scott? A Yes sir.

Q Where? A They were living in the portion that is now called Tudor-look, down by the Goodlander mill.

Q About how long did they live there after you got acquainted with them? A They lived there from about '84 or '85 up to within about six years ago, 5 or 6.

Q Do you know what business they were engaged in there? A Bettie used to wash there some and Cal used to work in the mill.

Q Did Bettie engage in any other work after that? A Yes sir she told me several times that she had gone into, what she called the Missionary business, I called it begging.

Q How long since you saw Bettie Cash or her husband? A I think it has been a couple of years since I saw Bettie Cash, she was gone for some time and then came back, I met her there in front of a clothing store and she got to talking to me and the proprietor of the clothing house.

Q You have been living there at Fort Scott how long? A 33 years.

Q What business have you been engaged in there? A Mostly in the newspaper business.

Q Editing a newspaper? A City reporter there for different papers and had a paper of my own for some time also.

(By Mr. Sequichie)

Q How far did you live from Mrs. Cash? A I think five or six blocks.

Q How long did you live that close to them? A I have been living that close for ten or twelve years.

Q Was Mrs. Cash at that house continuously from the time they moved there? A I don't know what you mean by continuously.

Q Every day, week or month? A As far as I know.

Q How often did you see her at that house? A Not very often at the house, I saw her most every day on the street.

- Q What is your business, are you a broker too? A No sir.
- Q What is it? A I have been doing newspaper work some.
- Q How long have you been doing newspaper work? A For 30 years.
- Q What is Bettie Cash's husband's name? A Cal.
- Q What did he do? A Worked in the Goodl under mill the most of the time I knew him.
- Q Did you ever hear of Mrs. Cash leaving Fort Scott for other parts of the country? A Yes sir.
- Q Do you know how long she would be gone each time? A She wasn't gone over a month or so at a time, once she came to this country and got a lot of money and then come back.
- Q How long did she stay here then? A Couple of months I reckon.
- Q How long did she stay there after she came back with her money? A I can't tell myself, except that she said herself she staid long enough to spend most of her money there.
- Q Are you personally acquainted with her? A Yes sir.
- Q Have any dealings with her? A No sir.
- Q What was the last time that you saw her? A About six months ago.
- Q Where? A Fort Scott.
- Q Did she live there at the same place? A I dont know, I think she did, I wouldn't be positive about that.
- Q How long did she stay there? A I dont know.
- Q Is her and her husband living together now? A I dont know.
- (By the Commission)
- Q Do you know anything about her family, Bettie Cash's family, when she lived there, did she have any children? A Yes sir she had some children.
- Q Where were they? A They were there.
- Q Do you recollect anything about her being away on this Missionary business? A Yes sir for the last three or four years.
- Q Were the children at Fort Scott while she was gone? A I think Cal had some of them and I think some of them were somewhere else.
- Q Did Cal live there when she was out on the Missionary business? A Part of the time he did.
- Q Would she come back to Cal when she came back from this business? A I think so; Cal and she had been fighting a good deal and didn't get along well.
- Q You dont know if she is separated from him? A No sir.

This will be filed in Cherokee Freedman cases, D-825; D-903; D-926 , and D-1003.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Chas von Weise
Subscribed and sworn to before me this the 22 of October, 1901.

C. K. Shuck
Commissioner.

S. A. Amos, her husband, of Humboldt, in the county of Allen and State of Kansas, to Phillis Brady, quit-claiming lot 56 on block 97, in the city of Humboldt, Kansas, to the said Phillis Brady.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that it is entirely immaterial to an issue involved in this case as to whether the applicant did or did not have property conveyed to her in Kansas.

MR. HASTINGS: The Cherokee Nation offers it in evidence for the purpose of showing or tending to show that if she owned property up at that place she must have been a resident up there, as is heretofore sworn to by witnesses introduced by the Cherokee Nation.

COMMISSIONER: This testimony will also be filed with and made a part of the record in the case of Sam Rogers, D 926, who is represented by Mellette & Smith.

Arthur Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur Croninger.

To be filed with D-926.

F. D-902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Phillis Hayes for the enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-902.

APPEARANCES:

W. W. Hastings for Cherokee Nation.
Mellette & Smith for applicant.

MR. HASTINGS: The Cherokee Nation offers in evidence a quit-claim deed on the 20th day of March, 1878, from Josephine Amos and G. A. Amos, her husband, of Humboldt, in the county of Allen and State of Kansas, to Phillis Brady, quit-claiming lot 56 on block 97, in the city of Humboldt, Kansas, to the said Phillis Brady.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that it is entirely immaterial to an issue involved in this case as to whether the applicant did or did not have property conveyed to her in Kansas.

MR. HASTINGS: The Cherokee Nation offers it in evidence for the purpose of showing or tending to show that if she owned property up at that place she must have been a resident up there, as is heretofore sworn to by witnesses introduced by the Cherokee Nation.

COMMISSION) This testimony will also be filed with and made a part of the record in the case of Sam Rogers, D 926, who is represented by Mellette & Smith.

Arthur Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur Croninger.

Subscribed and sworn to before me this 29th day of May, 1902.

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the proceedings in the above case.

Notary Public.

Subscribed and sworn to before me this 12th day of July, 1902.

Notary Public.

was given them all by agreement in March last, that the cases would be closed on the 1st of May. It was concerned by the special report of the Commission on the 1st of May, and that the cases were closed on the 1st of May. We say that under the rulings of the Commission, the closing of the agreement between the attorneys, that the cases were closed on the 1st of May. The cases is to close on the 1st of May, and no extension should be granted in the cases unless there is some special and particular reason. The Cherokee Nation on the one side, and the United States on the other, why an extension of time is necessary.

The Commission

The law provides that the cases be closed on the 1st of May, and be made in strict compliance with the law. The cases were rendered the 1st day of February, 1906, and the cases were closed on the 1st of May. The Commission take judicial notice of the judgment of the cases, and the proceedings referred to the motion of the attorney for additional time to file certified copies of the proceedings.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) J. G. Rothermel

Subscribed and sworn to before me this 12th day of June 1906.

(Signed) P. C. Reuter,
Notary Public

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and correct transcript of the proceedings.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by V. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 403, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sam Rogers, D 926;

By V. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the Treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases involving the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

E. C. Bagwell
Notary Public.

CHIEF,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Bettie Cash et al., as Cherokee freedmen, consolidating the applica-
tions of:

Phyllis Hayes
Sam Rogers
Lewis Hayes
Bettie Cash et al

Cherokee Freedmen D 902
Cherokee Freedmen D 926
Cherokee Freedmen D 1003
Cherokee Freedmen D 925

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Phyllis Hayes for herself; by Sam Rogers for himself; by Lewis Hayes for himself; and by Bettie Cash for herself and her minor children, Augustus, William, Orie, John, Ethel, Hester, Calvin, Clarence and Teets Cash.

The evidence shows that Phyllis Hayes was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Messrs Whitnair, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation. The record further shows that the applicants, Sam Rogers and Lewis Hayes, are children of Phyllis Hayes, born since 1866, and possess no rights to enrollment except such as they derive through her. The name of neither of the aforesaid applicants is identified upon the 1880 authenticated roll of the Cherokee Nation.

The applicant, Bettie Cash, is identified upon the 1880 authenticated Cherokee roll as "L. H. Lynch, native Cherokee. This is an error in classification; the applicant, Bettie Cash, possesses no Cherokee blood and claims no right to enrollment except as a Cherokee freedman.

The evidence further shows that the said Bettie Cash has maintained a home in the Cherokee Nation continuously since her enrollment in 1880, though she has been temporarily absent in the State of Kansas and elsewhere; that the applicants, William, Orie, John, Ethel, Hester, Calvin, Clarence, and Teets Cash, are her children, born since the making of the 1880 roll, and have maintained a residence in the Cherokee Nation since birth.

It is further shown by an affidavit of death, which is filed herewith and made a part of the record in this case, that Augustus Cash died on June 18, 1897.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Phyllis Hayes, Sam Rogers and Lewis Hayes as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 498), and that Bettie Cash, William Cash, Cole Cash, John Cash, Ethel Cash Hester Cash, Calvin Cash, Clarence Cash and Teets Cash should be enrolled as Cherokee freedmen, in accordance with the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Augustus Cash as a Cherokee freedman be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. R. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904.

10
No. D. 926

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

PAID

Notary Public

COMMISSIONED BY THE CHIEF OF BUREAU OF INDIAN AFFAIRS

FILED
SEP 18 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Samuel Rogers
for enrollment as a Cherokee citizen:

Case No. D 926

To Samuel Rogers or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Leita, Indian Territory Indian Territory, on Oct 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-13-1901.

W. W. Hastings

Attorneys for the Cherokee Nation.

③

70926

COMMISSION TO THE FIVE CIVILIZED
FILED
JUN 28 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

Names of Children:

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

Application made by

Stenographer

X Ref, 18902

Represented by Mellette and Smith.

22

DEPARTMENT OF THE INTERIOR
COMMISSIONER

101 11 11 10
NOV 12 1901

[Handwritten signature]

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory AUG 26 1901, 1901.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of JAMES DEAN for en-
rollment as Cherokee Freedmen.

Cher Cherokee Freedmen AL

Mellett Smith

Cherokee Freedmen

D-903 et al.

Muskogee, Indian Territory, July 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Phyllis Hayes, et al., granting the applications for the enrollment of Bettie Cash, William Cash, Ozie Cash, John Cash, Ethel Cash, Hester Cash, Calvin Cash, Clarence Cash and Teets Cash as Cherokee freedmen, dismissing the application for the enrollment of Augustus Cash as a Cherokee freedman, and rejecting the other applicants mentioned therein.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. S-81.

Commissioner in Charge.

COPY

Cherokee Freedmen

D-926.

Muskogee, Indian Territory, August 15, 1904.

Sam Rogers,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to Bettie Cash et al., a copy of this protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Encl. 3-57.
Register.

Commissioner in Charge.

COPY

Cherokee Freedmen

D-902. D-926.

Muskogee, Indian Territory, August 15, 1904.

Wagar Smith,

Attorney for Phyllis Hayes, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, in the consolidated case of Phyllis Hayes, et al., rejecting, among others, the applications of Phyllis Hayes and Sam Rogers for enrollment as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to Bettie Cash et al., a copy of which protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[Signature]

Encl. 2-59.
Registry.

Commissioner in Charge.

Cherokee Freedmen

2-902-226-1003-

226,

Waukegon, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Phyllis Hayes, et al., for enrollment as Cherokee freedmen, including the Commission's decision, dated July 23, 1904, granting the application for the enrollment of Bettie, William, Oala, John, Ethel, Hester, Calvin, Clarence and Toots Cash, rejecting the applications for the enrollment of Phyllis and Lewis Hayes and Sam Rogers as Cherokee freedmen, and dismissing the application for the enrollment, as a Cherokee freedman, of Augustus Cash, he having died prior to September 1, 1904.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to those applications granted, a copy of which protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

Respectfully,

Encl. B-60.

Through the

Commissioner of Indian Affairs.

Commissioner in Charge.

DE 28722

I.T.D. 2172-1904.

DEPARTMENT OF THE INTERIOR,

LLS

Washington, August 10, 1905.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 27, 1904, the Indian Office submitted the papers in the consolidated applications for the enrollment as Cherokee freedmen of Phyllis Hayes, Sam Rogers, Lewis Hayes, and Bettie Cash for herself and nine minor children, and recommended that the decision of the Commission to the Five Civilized Tribes in favor of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash, and adverse to the application of Augustus Cash, Phyllis Hayes, Lewis Hayes, and Sam Rogers, be affirmed.

The Department concurs in the recommendation made as to all of the applicants except Bettie Cash and her children, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash.

The nation protests against that portion of the Commission's decision in favor of Bettie Cash and her children, contending among other things that the testimony shows that Bettie Cash forfeited her citizenship in the Cherokee Nation by marrying and residing in Kansas for several years. This is the only material question

raised by the nation.

The testimony is not satisfactory. Apparently, Bettie Cash with her husband and some of her children resided in Kansas many years after her enrollment on the 1880 Cherokee roll.

The Department is not inclined to order the enrollment of this family without further opportunity being given the nation and the principal applicant to be heard.

The case is therefore remanded as to such family except Augustus Cash, who died June 15, 1887, and you will order a rehearing and in due time render such decision as you deem proper.

Respectfully,

(Signed) Theo. Ryan,
Acting Secretary.

2 inclosures.

(JEM)

COPY.

Cherokee Freedman D-825.

Muskogee, Indian Territory, August 17, 1905.

Mellette & Smith,

Attorneys for Phyllis Hayes et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 10, 1905 (I.T.D. 8178-1904), wherein the decision of the Commission to the Five Civilized Tribes, as to Phyllis Hayes, Sam Rogers, Lewis Hayes, and Augustus Cash, rejecting the applications for their enrollment, is affirmed by the Department, and the applications for the enrollment of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash is remanded and a rehearing ordered.

Bettie Cash has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as to her residence in the Cherokee Nation subsequent to her enrollment on the 1880 authenticated Cherokee roll. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires.

W. A. B. B.

For your information there is herewith inclosed a copy
of departmental letter above referred to.

Respectfully,

Incl. GL-24.

GHL

RECEIVED:

W. A. B. B.
Acting Commissioner

COPY

Cherokee Freedman D-825.

Muskogee, Indian Territory, August 17, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 10, 1905 (I.T.D. 8178-1904), wherein the decision of the Commission to the Five Civilized Tribes as to Phyllis Hayes, Sam Rogers, Lewis Hayes, and Augustus Cash, rejecting the applications for their enrollment, is affirmed by the Department, and the application for the enrollment of Bettie, William, Ocie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash is remanded and a rehearing ordered.

Bettie Cash has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as to her residence in the Cherokee Nation subsequent to her enrollment on the 1880 authenticated Cherokee roll. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires.

1. 1. 1. 1. 1.

For your information there is inclosed herewith a copy
of Departmental letter above referred to.

Respectfully,

SIGNED,

Encl. 97-25.

Wm. C. Ball
Acting Chairman

DEL

CC

Cherokee Freedman D-926.

Muskogee, Indian Territory, August 17, 1905.

Sam Rogers,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

Respectfully,

GHL

(SIGNED)

Wm. O. Bull
Acting Commissioner.

Cherokee Freedman D-926.

Muskogee, Indian Territory, August 17, 1905.

Sam Rogers,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

Respectfully,

GHL

SIGNED: *Wm C Bull*
Acting Commissioner.

Refer in reply to the following:

Land.
87355-904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, September 27, 1904.

THE Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Phillis Hayes for herself; by Sam Rogers for himself; by Lewis Hayes for himself; and by Bettie Cash for herself and her minor children, Augustus, William, Osie, John, Ethel, Hester, Calvin, Clarence and Toots Cash.

July 23, 1904, the Commission decided favorably upon the applications of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence and Toots Cash, rejected the application of Augustus Cash by reason of his death June 15, 1897, and adverse to the other applicants.

The record shows that Phillis Hayes was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return prior to February 11, 1867. The record further shows that the applicants, Sam Rogers and Lewis Hayes

are the children of Phillis Hayes born since 1866, and possess no rights to enrollment except such as they derive through her. The applicant, Bettie Cash is identified on the 1880 authenticated Cherokee roll as Dinah Lynch, native Cherokee, being an error in classification. None of the other applicants is identified on the 1880 authenticated Cherokee roll, but the names of all who were of sufficient age are found on the Kern-Clifton roll, but no other.

In view of the record the approval of the Commission's decision favorable to Bettie Cash, William Cash, Osie Cash, John Cash, Ethel Cash, Hester Cash, Calvin Cash, Clarence Cash and Toots Cash, and adversely to all the others is recommended.

Very respectfully,

A. C. Tenner.

Acting Commissioner.

M.M.
W.

(JEM)

Cher. Fr. R 182

Cher. Fr. R 782

Trans. from Cher. F.D. 938

6

3012

RECEIVED
JUL 12 1881

[Signature]

ACTING CHIEF

Department of the Interior,
Commission to the Five Civilized Tribes
Nowata, I. T. June 28th 1901.

In the matter of the enrollment of Jack Jackson for the enrollment of himself as a Cherokee freedman by intermarriage; he being sworn by Commissioner T. B. Needles, testified as follows-

- Q What is your name? A. Jack Jackson.
Q What is your age? A. 41.
Q What is your post office address? A. Tulsa.
Q In what district do you live in? A. Tulsa.
Q Do you apply as a Cherokee Freedman? A. Yes sir, as a Cherokee freedman by inter-marriage.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Mary Drew on the roll.
Q Is her name on the roll of 1880? A. Yes sir.
Q Was she a Drew when you married her? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's wife identified as follows-
Page 24 No. 919 Mary Drew, Cooweescoowee district.

The applicant presents a certified copy of a Cherokee license authorizing the marriage of Jack Jackson a citizen of the United States to Mary Jane Drew a citizen of the Cherokee Nation, and a certificate showing that they were married on the 30th day of May 1891. This is filed herewith.

- Q Were you ever married before this? A. No sir.
Q Was your wife ever married before that? A. Not as I know of.
Q Went you know? A. No sir.
Q What does she say about it? A. She don't say she is.
Q Have you been living with her continuously since then? A. Yes sir.
Q Living with her now? A. Yes sir.

By Hastings-

- Q Did she have any children when you married her? A. No sir.
Q You had never been married before yourself? A. No sir.

By Hastings:

* Comes now the representatives of the Cherokee Nation and files herewith a certified copy of the decision of the Supreme Court of the Cherokee Nation sitting as a Special Court of Commission dated June 28th 1901.*

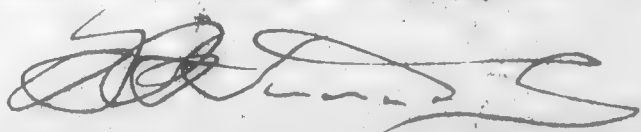
By Commission- " The case is ordered filed . "

By Com'r Needles-

Jack Jackson applies for himself as an inter-married Cherokee freedman and makes satisfactory proof of his marriage to one Mary Jane Drew in the year 1891 and the said Mary Jane Drew is identified on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony, and she has also been listed for enrollment by this Commission on Cherokee Freedman straight card No. 1119; he makes satisfactory proof as to his residence and he will now be listed for enrollment as a Cherokee freedman by inter-marriage on a doubtful card awaiting the further consideration of the Commission and when the final decision is arrived at he will be notified by mail.

Chas. von Woise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Charles von Woise
Subscribed and sworn to before me this 25th of July, 1901.



Charles von Woise

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-14.
Henry Thomas,	Cherokee Freedmen D-35.
Ella Vann,	Cherokee Freedmen D-70.
Mary Markham,	Cherokee Freedmen D-100.
Frances Melton,	Cherokee Freedmen D-110.
John Dotson,	Cherokee Freedmen D-111.
Mary Jane Vann,	Cherokee Freedmen D-115.
Thomas Lowe,	Cherokee Freedmen D-117.
Ella Mayfield,	Cherokee Freedmen D-124.
Sallie Rider,	Cherokee Freedmen D-147.
Reuben Campbell,	Cherokee Freedmen D-187.
Van Jackson Luther,	Cherokee Freedmen D-174.
Cassie Middleton,	Cherokee Freedmen D-178.
Mary Harlin,	Cherokee Freedmen D-179.
Nellie Fields,	Cherokee Freedmen D-188.
John Kinslow,	Cherokee Freedmen D-198.
William S. Matthen,	Cherokee Freedmen D-199.
Jattie Bead,	Cherokee Freedmen D-208.
Albert T. Thomas,	Cherokee Freedmen D-245.
Mary Campbell,	Cherokee Freedmen D-248.
Caroline Daniels,	Cherokee Freedmen D-332.
Mervin Atterly,	Cherokee Freedmen D-337.
Dave Morris,	Cherokee Freedmen D-358.
Alexander Chaggett,	Cherokee Freedmen D-366.
Amanda Martin,	Cherokee Freedmen D-384.
Eliza Martin,	Cherokee Freedmen D-377.
John E. Barnes,	Cherokee Freedmen D-315.
Bell Davis,	Cherokee Freedmen D-335.
Samuel Brown,	Cherokee Freedmen D-345.
Howard F. Watson,	Cherokee Freedmen D-347.
Jack McConnell,	Cherokee Freedmen D-348.
Maudie Mahley,	Cherokee Freedmen D-353.

Benjamin Clasper,
 Emily Looney,
 John O'Brien,
 Matilda Melton,
 Bettie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lamm,
 Felix McChain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Mariab Thompson,
 Ellen Sheppard,
 Lula Melton.

Cherokee Freedmen No. 100,
 Cherokee Freedmen No. 101,
 Cherokee Freedmen No. 112,
 Cherokee Freedmen No. 113,
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 Cherokee Freedmen No. 200.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Benjamin Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Francis Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Robert Campbell for himself; by Van Jackson Butler for himself; by Tobe Middleton for his wife, Ollie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Maskey for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Esther Clasper for herself; by Thomas B. Clasper for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Martin Johnson for her husband, Allen Johnson; by Joseph Vance for his wife, Martha Vann; by John Scott for himself; by Steve Looney for his wife, Nancy Rose; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Klissie Vann; by Jake Looney for his wife, Fannie Looney; by Lucy Chontee for herself; by Allen Duncant for herself; by Alonso Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ella Warren for herself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Orie Martin for his wife, Frances Martin; by Ed May for his wife, Mary May; by Emanuel Taylor for himself; by Henry Aykes for himself; by Larkin P. Powell for himself; by Stepnay Dawn for herself; by Ella Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary M. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irvin for himself; by David Good for his wife, Mary Rose; by George E. Nave for his wife, Maggie Nave; by Lewis Annand Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hatching for her husband, George Hatching; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Beckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Davis McCossett for himself; by John Vann for his wife, Ollie Vann; by Lou Peterson for herself; by Robert Adams for his wife, Jane Adams; by John Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Allie Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Green for her husband, John Green; by Esther McNair for his wife, Malinda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lamm for himself; by Felix McChain for himself; by Henderson Jones for himself; by Ella Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariab Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5648-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Bykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgiann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Maair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. E. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

70938

Q

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1901

[Signature]

ACTING CHAIRMAN.

NOTE:--"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

"Tuesday Morning, June 20, 1871."

"Court convened - Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah

"Lee Cooper,

"Henry Bird,

"William Madden,

"Alonzo Cullen,

"Solomon Foster, Illinois

"William Hudson,

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks

Executive Secretary of Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1901

[Handwritten signature]

May 29th 1891.

License is this day issued to Jack Jackson a citizen of the United States to marry Mary Jane Drew a citizen of the Cherokee Nation.

Petition signed as follows:

G.W.Walkley.

E.D.Sardart

John K. Cruthfield

Chas Arnold

Chas R. Mackfoll

James Crutehfield

James McCracken

Ten Writer and two

others that cant be read.

Married on the 30th day of May A.D. 1891 by Rev. George W. Mawbrey, an ordained minister.

Recorded as required by this 7th day of July A.D. 1891.

H.H.Trett, Clerk, Cooweescoowee Dist. C.N.

By J.Eugene Hall, Deputy clerk.

Executive Office Cherokee Nation,

Tahlequah Ind Ter.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation, do hereby certify that the foregoing is a true true copy taken from the marriage record of Cooweescoowee District Cherokee Nation now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 20th day of April 1901.

B. W. Alberty

Assistant Executive secretary of the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

ss

In the matter of the application of Jack
for enrollment as a Cherokee Freedman.

Jackson
No. F. D. 938

Henry Paek, of lawful age, being duly sworn on
oath states that on the 14 day of September, A. D., 1901, he registered
to Jack Jackson whose postoffice is _____
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Tulsa Indian Territory;
and that on the 18 day of September, 1901, he received the return
card which is hereto attached, signed by the said Jack Jackson showing
that he had received said notice.

Subscribed and sworn to before me on this the 18 day of September, D. 1901.

Henry Paek
J. O. Starr
Notary Public.

9
No. D. 938

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of, 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

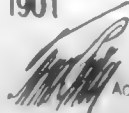
I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A.D. 1901

.....
Subscribed and sworn to before me
this day of A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 13 1901

 ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Jack Jackson
for enrollment as a Cherokee citizen:

Case No. D. 938

To Jack Jackson Tulsa I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. at 8 o'clock A. M. or from day Indian Territory, on Sept. 25th to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 14th 1901.

Attorneys for the Cherokee Nation.

J. D. 938

U. S. DEPARTMENT OF THE INTERIOR

RECEIVED
MAR 24 1902

W. B. Smith
ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jack Jackson,
Tulsa, I. T.
Cherokee F-D-938
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

③

XP938.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 28 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 23, 1901
 Post Office Gulisa, Ga.
 District 600

1. Name Jack Jackson Age 41
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by Wm. J. Stenographer Wm. J. J.

Not married.

XRef 1119

COPY

Enclosed Free Mail
D-334.

Muskogee, Indian Territory, January 24, 1905.

Jack Jackson,

Tulsa, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-103.

Register.

Tame Siny
Chairman.

COPY.

Cherokee Freedman
D-208 et al.

Muskogee, Indian Territory, January 24, 1905.

Wigar Smith,
Attorney for Jane Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Mankey, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irvon, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-182.
Register.

John L. Smith,
Chairman.

COPY.

Cherokee Freedmen
2-24 at 21.

Muskogee, Indian Territory, January 21, 1905.

DeSI, Hastings & Liverpool,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 27, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Nelson, John Nelson, Mary Jane Vann, Thomas Love, Ella Hayfield, Edith Fisher, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Edith Fisher, John Kimo, William S. Madison, John Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Rose Morris, Elizabeth Garrett, George Martin, Eliza Martin, John S. Martin, Nell Davis, Emma Dean, Edward F. Vann, Jack McConnall, Emma Taylor, George Ross, Jr., Buck Latham, Nell Thompson, Lewis Scott, Abe Scott, Kander Lupton, Thomas E. Allen, Lewis Vanderford, John I. Rowlin, Katie Davis, Charles Williams, John J. Ross, John Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Marie Gilbert, William Grogan, Rustie Johnson, Alfred P. Hopkins, Kimmie Vann, Freddie Lerney, Lucy

Chuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Marrell, Charles Cloggett, Samuel Irvan, Mary Ross, Maggie Nave, Hecma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Cloggett, Fattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

RECEIVED BY THE OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

RECEIVED,

SIGNED, *Taine B. Bly*
SECRETARY

1911. 2-9.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Hatten, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Kistleton, Mary Hardin, Nellie Fields, John Kimbo, William S. Hadden, Jane Beas, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggott, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Legett, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Stagg, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Nellie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Bushner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Norma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgiann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haskrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deelman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Knair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Carter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leenay, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Gelsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tamm Kirby

Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1908.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1908, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Williams, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Essie Colbert, William Skaggs, Essie Johnson, Alfred P. Hopkins, Klacie Vann, Freddie Leoney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepmey Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Burrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Hays, Neoma Hays, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masair, George Adams, Annie Thomas, Lewis McCormell, Callie Vann, Len Peters, Ida Masair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie Masair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Equire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Walton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by inter-marriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the last authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (L. I. S. 8040-1904) in the Louisa Walden case, the approval of the Commission's decision referred to all the applicants is recommended.

Very respectfully,

E. F. Lawrence,

Acting Commissioner.

E. F. L.
W.

(C O P Y)

D. C. 20472-1908
I.T.D. 2004-1908.

V.C.F.
FHE

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1908.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1903, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Wender Langton, Thomas V. Allen, Lewis Vanderford, John L. Rowlin, Fattie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles G. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kinsie Vann,
Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Vester, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard
Howles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary
Ross, Maggie Wavy, Neoma Wavy, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hanelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Billy Leoney, John Greves, Mattie McWair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Pelix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Helton.

Reporting in the matter March 21, 1945, the Indian
Office recommends that your decision be approved. A copy of
its letter is enclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

1 Enclosure.

(Signed)

THOM NYAN
Acting Secretary

COPY.

Cherokee Freedmen

D-938.

Muskegee, Indian Territory, April 28, 1905.

Jack Jackson,

Tulsa, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-738.

Muskegee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Jack Jackson,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Jack Jackson as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED, *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

B -14, et al.

Muskogee, Indian Territory, April 26, 1905.

Bell, Hastings & Darvout,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

WITNESSED. *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-16, et al.

Muskogee, Indian Territory, April 20, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

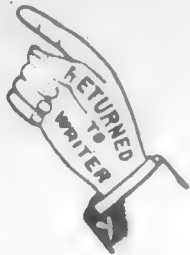
You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

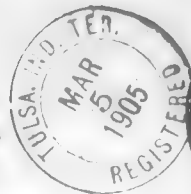
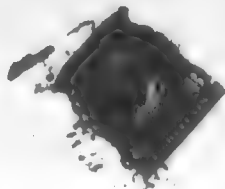
Jams Bixby.
Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.



~~TOG~~



MAR 6 1905

REC
MUSKOCHEE, IND. TER.

Jack Jackson,

~~Tulsa, Indian Territory.~~

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Trans. from Cher F.D 944

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FOR THE
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JUL 1 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Sarah Nelson for the enrollment of herself and one child as Cherokee Freedmen.

Sarah Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sarah Nelson.
- Q What is your age? A 63.
- Q What is your postoffice address? A Fort Gibson.
- Q What district do you live in? A Illinois.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you want to enroll besides yourself? A My son.
- Q What is your son's name? A Willie Nelson.
- Q How old is he? A He is 19.
- Q Are you a recognized citizen of the Cherokee Nation, a Freedman; is your name on any of the rolls of the Cherokee Nation? AA II don't know sir, it ought to be, I applied at every Court.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A William Nelson.
- Q Is he living? A Yes, sir.
- Q Is he a citizen? A No, sir.
- Q How long have you lived in the Cherokee Nation? A Well, I was raised in the Cherokee Nation.
- Q Were you born a slave? A Yes, sir.
- Q Who did you belong to? A I belonged to Henry Nave.
- Q Was he a Cherokee citizen? A His wife was.
- Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
- Q Where? A I went to Lawrence,
- Q Lawrence, Kansas? A Yes, sir.
- Q When did you come back? A I came back in '66.
- Q Have you got any witnesses here? A Yes, sir.
- Q Who are they? A Polly Nivans and Easter Grinnett.
- Q You say you returned in the year '66? A Yes, sir.
- Q Where have you been living since that time? A I have been living in Fort Gibson about 27 years.
- Q You have been living you say in the Cherokee Nation ever since '66?
- Q Yes, sir.
- Q Why isn't your name on the roll of 1880? A I can't tell you.
- Q You don't know? A No, sir, I don't; all my people is on the 1880 roll but me.
- Q What was your mother's name? A My mother's name was Maria Nave.
- Q Is she living? A No, sir, she has been dead about 34 years.
- Q Did you know your father? A No, sir.
- Q Don't know who he was? A No, sir, I don't know.
- Q Were you ever married before you married William Nelson?
- Q Yes, sir, before the war, my husband got killed.
- Q What was his name? A Named Nelson Ross.
- Q Is he living? A No, sir, he got killed in the year '61.
- Q After that you married Nelson? A Yes, sir.
- Q Been living with Nelson ever since? A Yes, sir, living with him ever since.
- Q You got only one child? A Just one child.
- Q Did you draw what is known as the stipend money? A No, sir, I never has drawn.
- Q Never draw any money? A No, sir.
- Q For yourself nor your children either? A No, sir.
- Q Didn't even draw the Wallace money? A No, sir, I want to be honest because you had me to raise my hand up to tell the truth and nothing but the truth, but of course I know I am a citizen.
- Mr. W. H. Hastings, Cherokee Attorney:
- Q Did you apply to the Kern-Clifton Commission? A Yes, sir.

Sarah Nelson - 2.

Q Where did you apply? A At Fort Gibson.

Q Under what name? A Sarah Nelson, and I told who I lived with, Henry Nave, and when his daughter married Cunningham I lived with her at Park Hill; sometimes they call me Sarah Cunningham.

Q Who did you have as your witnesses down at Fort Gibson? A I had Daniel Vann and Bob Thompson but they didn't call them in.

Q Where were you married to Nelson? A I was married to him in Kansas; I came back in '66, and I stayed two years, and then I went back to Kansas, putting on style, and then I stayed there two months after I married and I came back to the Cherokee Nation and have been here ever since; I have been to every court.

Q And they never would enroll you? A And I have been down to Tahlequah to the Court House, I did get my name once, John Bullett give it to me.

Commissioner: Where was your boy Willie born? A He was born in Fort Gibson.

Q Who took you to Kansas? A I went to Kansas with my master, John Cunningham, and Riley Keys.

Q Was John Cunningham your master? A Yes, sir, that was my second master, he married my boss' daughter.

Q Married Nave's daughter? A Yes, sir, Frances Nave.

Q He took you up there? A Yes, sir.

Q What part of Kansas? A I went to Lawrence.

Q You brought you back? A George Hazelrig.

Q About how old were you when you came back? A I can't tell.

Q You had been married? A Yes, sir, I married when I was quite young.

Q You were not married when you came back? A No, I had been married when I came back.

Q You had been married before? A Yes, sir, I had been married before.

Q You were a widow when you came back? A Yes, sir, I went by the name of Sarah Ross.

Q And after you came back you married Will Nelson? A Yes, sir.

Q You say he is living? A Yes, sir, he is living.

Q You and him living together? A No, sir, we are not, we haven't been living together for four years.

Mr. Hastings: Now who did you come back to Fort Gibson with?

A Well, I came with Uncle Russell Vann and a whole lot of us, and the man I hired to bring us was named George Hazelrig; I came in his wagon.

Q What time of the year was that? A It wasn't very cold weather, but it was in the fall.

Q You swore before you came back in August, didn't you? A In August; well I said it wasn't cold weather; a heap of times I am kinder forgetful, you will have to make allowance, I have been sick so much.

Q Who did you say you were a slave of before the war? A Susie Nave, Henry Nave's wife.

Q Where did she live? A Kinder east of Tahlequah, about two miles and a half, on the Illinois.

Q There is where you lived? A There is where I was raised.

Q What was Susie Nave's maiden name? A She was a sister of old John Ross.

Q And who took you out to Kansas? A Mr. Cunningham, the man I lived with after he married Frances Nave, he came back and got me, I lived with them.

Q How long was that before the war when he took you to Kansas?

A War was going on.

Q How long did you stay in Fort Gibson when you first came back?

A I didn't stay in Fort Gibson but very little while, I went out on Four Mile Branch to my sister, old man Jess Lowrey, my brother in

Sarah Nelson - 3.

1st.

~~1st.~~

Q How long did you stay in Fort Gibson before you went out there, a week or two? A I stayed there two or three weeks.

Q Before you went out to Lowrey's? A Yes, sir.

Q That was Nels Lowrey's father? A Yes, sir.

Q Nels was there? A Yes, sir, he was a little bit of a boy.

Q And he remembers it? A Of course he ought to remember it.

Q Tell me how far they were living from Fort Gibson? A Four miles.

Q What sort of a house were they living in? A A little old log house.

Q How long did you stay out there? A I stayed there about a week or so and went to Tahlequah to Jack Pack's, Frank Pack's father, to my sister.

Q And they will remember it, Frank was born? A Yes, sir, Frank was a good big boy.

Q That was in the fall was it? A Yes, sir.

Q How long did you stay there? A I stayed there, went to my sister Tildy Green, and I stayed there all the winter, just living about among them, Uncle Isaac Ross and Granny Phyllis Ross, and Uncle Edmund.

Q Then where did you go to from there? A I came back to Gibson.

Q How long then did you stay at Gibson? A Stayed there until I got ready to marry.

Q And then you went back to Kansas to marry, did you? A Yes, sir.

Q You had already been engaged and you went back to see your man?

A Putting on style, I thought I was putting on style, and I stayed there about two months, and I came back, and I haven't been there since.

Q You went up to Kansas to marry? A Yes, sir.

Q You married your husband up there? A Yes, sir.

Q You go up there before Christmas? A No, sir, I didn't go there before Christmas, when I went up there I went in the spring, and just stayed up there a little while and came back.

Q Did you make a crop up there that next year? A Oh no,

Q Then when did you come back? A I said we came back just in a little while; we stayed up there about two months, and went on down to Eufaula and cooked at the old mission, that has been burned down twice since I was there.

Q There was a mission school then going on at Eufaula? A Yes.

Q Did you go down there on the train? A No, there wasn't no train then.

Q How did you go down there? A In a wagon.

Q You went straight from Kansas to Eufaula? A No, sir, I came to Gibson.

Q How long did you stay there? A I stayed just long enough to get the appointment; my husband was a cook, and he cooked and I worked.

Q How long did you cook and work down there at Eufaula? A Stayed about six or seven months; we stayed two terms.

Q Then where did you go from there? A Came on back to Gibson and been living there ever since, and built and lived near by Bill Hudson.

Q Was Bill Hudson living there when you came back? A Yes, he married my niece and was living there.

Q What year was that? A You know I can't tell, Mr. Hastings.

Q About how long after you had first been there, at Fort Gibson?

A I don't know, guess it must have been about two years maybe; I didn't know you see; if I had known I would have been more careful; I was unthoughtful.

Q It was about, your best judgment, after your running about to Tahlequah and back to Kansas and down to Eufaula, after that, it was about two years until you moved back to Fort Gibson when you built?

A Yes, sir, Polly Nivens say so, Polly knows all about me.

Sarah Nelson - 4.

Q Bill Hudson was living there? A Yes, sir, Bill Hudson always lived there.

Q And he was married to your niece at that time? A Yes, sir.

Q That is when you came back? A Yes, when I came back.

Q Did you see Bill Hudson the first time you went down there after the war? A No, I don't know, I wasn't particular, I don't know.

Q You don't remember? A Let me see, when I first went down there Bill Hudson wasn't married, my niece had that Moss Mackay, and he died before she was married the second time.

Q When you came back? A Yes, sir.

Q Did she have any children? A No, sir, didn't have none; had Frank after I came there.

Q About how long after you came there from Mufaula? A Oh Frank was born in December I think; I was there when he was born.

Q And you have been living right there by Bill Hudson ever since?

A Yes, sir, I think nearabout, must be about 25 years.

Q You have been living right in town by Bill Hudson ever since?

A Yes, sir, my house is right there.

Q Why didn't you apply to this Commission at Fort Gibson?

A I wasn't down there when they were at Fort Gibson.

Q Where were you? A I was up here sick, I came up here on the ~~sixtixx~~ Verdigris and I took sick and couldn't get down there.

Q You have never been in Kansas since you went to Mufaula? A No indeed I haven't.

Q You have lived all the time at Fort Gibson? A Indeed I have.

Q Did you ever see Polly Nivens before the war? A No, sir, she didn't live close by us you know.

Q When did you first see her after the war? A I saw her when I got to Gibson in '66, she was cooking in a double log house and gave me something to eat.

Q Did you have your children with you then? A No, sir.

Q You didn't have any children by your first husband? I had two but they died before he was killed, both of them.

Q Did you see Easter Grinnett down there when you came back after the war? A I saw her at Tahlequah.

Q At whose house did you meet her? A She was over there to Uncle Edmond's.

Q Uncle Edmond who? A Edmond Ross.

Q Edmond Ross was living there at that time? A Yes, sir, and Harriett and Uncle Isaac, they were all living then.

Commissioner: That the first time you saw Easter Grinnett when you saw her at Tahlequah? A I saw Easter before the war, we were young together, I knowed her.

Easter Grinnett, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Easter ~~Grinnett~~ Williams.

Q Sometimes known as Easter Grinnett? A Yes, sir.

Q How old are you? A I am about 50, I don't know how much over.

Q What is your post office? A Ruby.

Q You a Cherokee Freedman? A Yes, sir.

Q You know Sarah Nelson, the applicant? A Yes, sir.

Q How long have you known her? A Ever since slavery.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Belonged to Mrs. Cunningham, lived at Park Hill.

Q Do you know whether she went out of the Cherokee Nation during the Civil War or not? A I don't know sir.

Q Where did you first see her after the war? A I saw her at Tahlequah.

Sarah Nelson - 5.

Q What year was that? A It was a good while after the war.

Q That is the first time you saw her? A Yes, sir.

Q You have seen her since that time? A Yes, sir, I have seen her since then.

Q Where has she been living since then? A She has been living up here on Snow Creek with her brother.

Q Has she ever lived in Fort Gibson? A Yes, sir.

Q She has got a place there in Fort Gibson and is living there now? A I guess she lived with her brother way up here, here is where I found her, Snow Creek.

Q When did you see her before you saw her here? A I saw her at Gibson about five years ago.

Q Was she living down there then? A Yes, sir, she was at Fort Gibson then.

Q But she lives up here now? A She is here with her brother, staying with her brother, at Snow Creek.

Q Who is her brother? A Mr. Murrell.

Q How far did you live from her before the war? A I lived in Flint and they lived on Park Hill.

Q How old were you when the war came up? A I was big enough to take care of my mistress' children.

Q About how old? A I don't know just about how old, I always was with them at council time, you know I must have been pretty old.

Q Were you 15? A I don't recollect it, I don't know.

Q Were you at her place before the war? A Yes, sir, I have been at Park Hill, right over to Murrells.

Q And you know she lived there? A Yes, sir.

Q Did you see her live there when the war came up? A Yes, sir, her mistress was Miss Frances Nava.

Q A good while after the war before you saw her? A Yes, sir, saw her at Tahlequah when I saw her.

Q About how many years after the war was it; a good while after the war? A Yes, sir, a good while after the war.

Q Ten or twelve or fifteen or twenty years? A Yes, sir, longer than that I guess.

Q Longer than twenty? A No, not longer than twenty.

Q About twenty is your recollection? A About my judgment.

Q Did she say where she was from then? A She said she was from Barren Forks.

Q You know where Barren Forks is? A It is right ~~near~~ straight down from Tahlequah.

Q East? A It is just like you go into Flint.

Q It runs through Going Snake and down to the Illinois River in Tahlequah? A Well, Going Snake isn't there on Caney; Going Snake would be away up above Flint, according to my recollection.

Q At whose house did you see her? A I saw her at that place, I saw her at Tahlequah.

Q At whose house? A I saw her there at her uncle's, old man Ross there.

Q Was anyone with her? A A whole lot of ~~Cherokee~~ folks there.

Q Have any children with her? A She had one.

Q What was his name? A His name was Willie; she is a slave nigger of the Cherokees all right.

Commissioner: You don't know where she was the year '66?

A No, sir.

Polly Niven, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Polly Niven.

Q How old are you? A 66.

Q What is your post office? A Fort Gibson.

Sarah Nelson - 6.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, always have been.

Q Do you know the applicant, Sarah Nelson? A Yes, sir.

Q How long have you known her? A Pretty near all my life.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Mrs. Nave.

Q Where did she live? A They lived up on Barron Forks somewhere I don't know exactly whereabouts.

Q Do you know whether she was taken out of the country during the civil war? A No, sir, I don't know whether she was or not.

Q Where did you first see her after the war? A After peace was made?

Q Yes? A I first saw her in Fort Gibson at Caroline Foreman's.

Q What year was that? A It was just when peace was made, the first year after peace was made.

Q Have you known her since that time? A Yes, sir.

Q Where has she been living ever since? A Why she stayed there to Mrs. Foreman's pretty near a year.

Q Was she married? A No, sir, she wasn't married when I saw her.

Q Have any children when you saw her? A No, sir, she didn't have any children.

Q How many times did you see her since you saw her at Fort Gibson right after peace? A I saw her once or twice and then she left there.

Q You are certain she was a slave? A Oh yes sir.

Q And belonged to Nave? A Yes, sir, and then Mr. Cunningham married one of Nave's daughters and then we called her Sarah Cunningham then a while, but they were all Cherokees at last.

Mr. Hastings: Were you at her house before the war? Was I where she lived, no sir, I saw her when her owners came to my folks house.

Q Where did you live? A Right over here to Joe Nivens, right at the ferry.

Q What was her owner's name? A The owner she was with then was Nave.

Q How long was that before the war? A It wasn't so very long before the war.

Q A year? A I reckon about a year.

Q You know that she lived up on Barron Forks? A Yes, sir, said they lived on Barron Forks, I never was to their house, but they had her along as a waiter, she came over to see our folks, and of course she lived with us in our quarters and I was asking her about her owners, if they were good, and she said yes.

Q You remember her quite well before the war? A Yes, sir, I remember her then, bound to.

Q You saw her after the war? A Yes, sir, I saw her after the war.

Q Who did she come down there with? A At Gibson?

Q Yes? A I don't know who she came with; I asked her if she had come back, and she said yes, aint you glad, and I was glad to see her, they were all coming back refugees there, you could look out in the morning and see a hundred negroes coming back every morning.

Q And you can remember them all? A No, sir; I can remember them that I knowed because I was glad to see them coming here.

Q You don't remember who she came with? A No, sir, I didn't ask her who she came back with.

Q You don't know whether she came from the north or south? A No, sir, she stayed with a man, George Barnwell, and I asked her if he was her husband, and she said no, I can do better than that.

Q You saw her at Caroline Foreman's? A Yes, sir.

Q And she lived there with Mrs. Foreman? A I don't know how long she stayed there, she stayed there all fall and along in the winter and she said, I am going to hunt up my people and coming back, and she went and stayed a while, but she wasn't gone a longtime, she

Sarah Nelson - 7.

went on Four Mile Branch, and Table Mountain, and all around and came back to Caroline Foreman's again.

Q Did she tell you about seeing Easter Grinnett when she came back?

A Yes, sir, she knew Easter too.

Q You were asking about seeing these people you knew? A Yes, sir, we would be inquiring of all that we knew when we came back, you know that was a great time with the Cherokees then.

Q Did she settle down and stay there at Fort Gibson then? A No, sir, I don't know whether she did or not, she said she was going to hunt up her people.

Q After she hunted up her people and came back? A I don't remember whether she did or not, I can't tell in you that.

Q What became of her? A She said she was coming up here to hunt up a brother.

Q And she has been up here ever since? A No, she went back to Gibson down there, she hasn't been here ever since, she lived in Gibson after she married Nelson.

Q Where did she marry him? A I don't know.

Q Wasn't you at the wedding? A No, sir, but she called him her husband.

Q About how long after that until you saw her with her husband Nelson? A I don't know how long it was.

Q Don't remember how long that was after the war? A It was a good while after the war before she married Nelson.

Q About how many years? A I can't tell you exactly about how many years, but I saw her a long time after that because I kept asking her, are you married, and she said no, I haven't found anybody good enough yet, and they kept on at Gibson.

Q After she married Nelson? A Yes, sir.

Q About how long? A I don't know hardly.

Q Your best judgment? A I can't tell.

Q Two or three or four years? A Longer than that, a long time.

Q About when did she leave down there? A I don't know when she last; You know I wasn't staying in Gibson, I was living out from Gibson and whenever they would have anything in town I would go in there and start a restaurant.

Q About how many years before you last saw her? A Well, I haven't idea, I can't tell you.

Q Have you seen her there for twenty years, the last twenty?

A Oh yes sir, I have seen her.

Q Have you seen her in ten years? A Yes, sir, seen her there in ten years.

Q Has she lived there in the last ten years? A Yes, sir, longer than that, she was living with Mr. Nelson there that long.

Q About how long? A I guess about ten or twelve years as near as I can tell you.

Q You mean it was about ten or twelve years ago, or that she lived there ten or twelve years? A Yes, sir, she lived there for ten or twelve years at Fort Gibson.

Q About how many years ago was it since she left that place? A That is what I am telling you now, maybe ten or twelve years or maybe longer.

Q You don't know where she has lived since that time? A No, sir, she has lived first one place and another, I can't keep the record, she is up here now.

Commissioner: You live in Gibson? A Yes, sir, I live close to Gibson, about two miles from town.

Q She don't live there now? A Mrs. Nelson, yes, sir, I think she lives there, I don't know where she is staying, she is staying up with her brothers her things are there.

Q Her things are there? Has she got a house there?

A I don't know whether she sold her house there or not.

Sarah Nelson - 8.

Q Did she have a house there? A Yes, sir, she had a good home, good orchard and everything.

Q You don't know but what her property is there yet? A No, sir, I never asked her the particulars about it at all.

Q You don't know whether she lives at Fort Gibson there now or not? A I asked her, and she said- - -

Q If you are living there, wouldn't you know it? A Yes, sir; when they were enrolling in Gibson I saw her.

Q Aren't you in Gibson there? A No, sir, not unless I am running some business there.

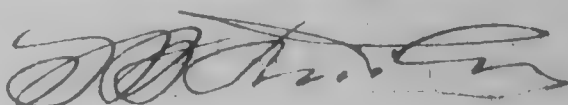
Q How far do you live from Fort Gibson? A About two miles from Fort Gibson, in the edge; I only run a business once in a while when there is something going on there, I go there and feed people.

Taking of testimony continued by Stenographer M. D. Green.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 1st of July, 1901.



Commissioner.

CONTINUED, former portion taken by stenographer, Bruce C. Jones.

SARAH NELSON et al, 2

BENJAMIN NAVR, being sworn by Commissioner Needles, and examined by him, testified as follows:

- Q What is your name? A Benjamin Nave.
Q How old are you? A 37.
Q What is your post-office? A Vinita.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q You know the applicant? A Yes sir, she is my aunt.
Q How long have you known her? A Ever since she was a small boy.
Q Where has she been living since you knew her? A Ft. Gibson.
Q She live at Ft. Gibson now? A I don't know whether she is now or not.
Q She is your aunt? A Yes sir.
Q You don't recollect as late back as '66 do you? A No sir.
Q Ever since you knew her she has been living in Ft. Gibson?
A No, not ever since I knew her, she has been living there.
Q Is she married? A Yes sir.
Q What is her husband's name? A William Nelson.
Q Is he living there? A He was, he don't now, he lives out here about Sapulpa.
Q You know who she belonged to before the war? A No sir.
I don't know when she went out.
Q Or when she returned? A No sir.
Q Too young to know that? A Yes sir.

Com'r Needles: Sarah Nelson applies for the enrollment of herself and son, William, 19 years of age; her name cannot be found upon the authenticated rolls of the Cherokee Nation now in the possession of the Commission; she avers that she is a slave of John Cunningham or Henry Nave; her mother was a slave of Mariah Nave; she was taken out of the Nation during the war by John Cunningham, her owner, and returned in '66; she was taken to Kansas by her owner; she makes satisfactory proof as to residence since that date; she avers that Willie is her child and now living. By reason of the fact that her name does not appear upon the authenticated roll of 1880, said Sarah Nelson, her child Willie, will now be listed for enrollment as Cherokee Freedman on a doubtful card; it will be necessary for her to make satisfactory proof as to birth of her son Willie; she will be notified by the Commission of its action in the premises.

A. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 12, 1901.


Commissioner.

7

77 100

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

8 1901

~~Handwritten signature or stamp~~

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1904.

In the matter of the application of Sarah Nelson for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant not present or represented;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Proof of notice to applicant failed. Sarah Nelson, being called, comes not in person or anyone for her.

REGGIE HUDSON, being duly sworn by Commissioner Needles, testified as follows

Mr. Hastings: What is your name? A Reggie Hudson.

Q What is your age? A 51.

Q What was your maiden name? A Peggie Pack.

Q What is your postoffice address? A Fort Gibson.

Q How long has that been your postoffice? A Well about, oh it has been thirty years I guess, ever since the war, pretty near.

Q Where were you in '66 and '7? A Fort Gibson.

Q And the next few years following, '68 and '9, were you here? A I was here pretty much ever since peace, I stayed from here about a year I guess.

Q Your maiden name was Pack, I believe you stated? A Yes, sir, Pack.

Q You know Sarah Nelson? A Yes, sir.

Q An old lady 63 years of age, whose postoffice is here at this place? A Yes, sir.

Q What relation, if any, is she to you? A She is my aunt, my mother's sister.

Q When did you first see her after the war? A '67.

Q The next year after the war? A Well, that is what I told you a while ago, it was in '67 when I saw her; in '74 the first time.

Q You saw her first in '74? A Yes, sir, in '74.

Q After the war, that is the first time you saw her? A Yes, sir. Q Why do you connect that date, do you remember it for anything else? A For the reason I know my son was born in that year and she came along about that time; my eldest son.

Q Well, how long did she remain here when she first came? A I don't know just how long she was here after she came back to the country..

Q Where did she go? A I think when she went back she went to Fort Scott.

Q Was she married when she first came down? A No, sir, she was a widow.

Q Well, was she married when she came the second time? A Yes, sir, she was married when she came the second time.

Q You know how she came the second time? A Well, my husband said he had her brought from Gibson Station; it has been so long I have forgotten it.

Commissioner: You don't know yourself? A I am not positive, it has been so long.

Q You say the first time you saw her after the war it was in 1874? A In 1874.

Q Well do you know where she had been before that? A Fort Scott.

Q How do you know it? A Well when she went from here she went to Fort Scott.

Q When did she go from here, you know? A Yes, sir.

Q How do you know she went there? A I don't know she went there.

Q When did she first come back from Fort Scott? A In '74.

Q How do you know that? A That is the first time I knew her here.

Q If she came back here before that you don't know it? A No, sir.
Mr. Hastings: Was she your aunt? A Yes, sir.
Q And you lived at Port Gibson? A Yes, sir.

MARIA CHASE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Maria Chase.

Q What is your age? A 51.

Q What was your maiden name? A Maria Lowrey.

Q What was your father's name? A Jess Lowrey.

Q Where did your father live at the close of the war? A At the close of the war, well he lived right here in Gibson, he soldiered a while in Port Smith.

Q I mean just after the war, in '65 and '66? A He lived right around in Gibson up here on the bayou among the Indians where he always stayed.

Q How long did he stay here in Port Gibson? A I can't tell you, he lived here for a number of years.

A I mean in town? A I can't tell you that either, we lived in town here, my mother died, until the year of the cholera, we lived here from the time peace was declared until the year after the cholera we moved out on Four Mile Branch, and then we moved from there on a little branch two or three miles from here and settled up on a hill and there he died.

Q Do you know Sarah Nelson? A Yes, sir.

Q What relation, if any, is she to you? A An aunt of mine, my mother's suster.

Q When did you first see her after the war? A Well as near as I can remember it, it was after the cholera when we lived out in the country.

Q Did you see her while your folks lived here in town? A I don't remember ever seeing her.

Q You don't remember the exact date? A No, sir, I can't keep count of the year at all, I know it was the year after the cholera, you can count from that and see what time it was, you know the year the cholera was.

Q Where were your folks living at that time when you saw her first here? A Out here on this little creek between here and the Four Mile Branch.

Q You were not living in town? A No, sir.

Q And that was after the cholera? A Yes, sir, that was when I remember seeing her.

Commissioner: Was Sarah Nelson a slave? A Yes, sir.

Q Who did she belong to? A She belonged to some of the Waves.

Q Do you know whether she went out of the Cherokee Nation during the war or not? A Yes, sir, I think she went out with a man by the name of Cunningham, I suppose that was the one that owned her.

Q Do you know when she came back? A No, sir, I don't know only what I have told you.

NELSON LOWREY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Nelson Lowrey.

Q How old are you? A 40.

Q Where were you living when you were first old enough to remember? A I was living out here on the Four Mile Branch.

Q What was your father's name? A Jess Lowrey.

Q Have you got an aunt by the name of Sarah Nelson? A Yes, sir.

Q A colored woman who is a claimant for citizenship? A Yes, sir.

Q Do you remember the circumstances of her coming to your father's house? A Yes, sir, I remember when she came.

Q Now tell the Commission about that, about when that was? A It was in '73 or '74, I think '73, I am not positive, somewhere along there.

Q Was she your mother's sister? A Yes, sir.

Q You know where she was from? A She said she was from Fort Scott.

Q Well, did she remain there, or where did she go? A Well she stayed there I reckon a week or such a matter and then went from there up to her other sister's in Barran Forks.

Q What was her other sister's name? A Martha Pack.

Q Did you go with them? A Yes, sir.

Q How long did she stay around there? A Well I really don't know, she must have stayed there something over a year I reckon, I don't remember just how long she stayed.

Q Where did she go? A Went back up to Fort Scott, said she was going to Fort Scott.

Q Was she married when she was here the first time after the war? A No, sir.

Q When she came back was she married? A Yes, sir.

Q About how long was she gone before she returned? A She must have been gone a couple of years or more, I was living at Tahlequah when she came back the second time.

Q Mr. Lowrey, by what do you fix the date that she was here at that time? A The first time?

Q Yes? A Why it was in '74, just about a year before my mother died, and my mother died in April, 1875.

Q Was this woman here when your mother died? A No, sir.

Q She had come and gone? A Yes, sir.

Q You know her well? A Well after I saw her that first time I knew her, I don't remember seeing her before that.

Commissioner: The first time you ever saw Sarah Nelson to know her was in '74? A Yes, sir.

Q How old was you then? A I must have been 12 or 13 years old, somewhere along there.

Q She was your aunt? A Yes, sir.

Q Was she a slave? A I don't know whether she was or not.

Q Where did she come from when she came in 1874? A She said she came from Fort Scott.

Q She told you so, you heard her say so? A She was talking to my father and mother.

Q Do you know when she was in the Cherokee Nation before that? A No, sir, I don't remember.

Q Do you know whether she was ever in the Cherokee Nation before or not? A No, sir, not to my knowledge.

Q That was the first time you ever saw her and got acquainted with her? A Yes, sir.

Commissioner: This testimony will be filed.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 7th of October, 1901.


Commissioner.

Cherokee Freedmen D. 944. 925

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Ter., September 14, 1903.

In the matter of the application for the enrollment of
Sarah Nelson et al., as Cherokee Freedmen.

SUPPLEMENTAL STATEMENT.

An examination of the 1893 census roll of Cherokee
Freedmen now in the possession of the Commission, shows that the ap-
plicants are identified thereon as follows:

Sarah Nelson, Illinois District, No. 47

William Nelson, Illinois District, No. 68.

Copies of this statement are ordered filed with and made a
part of the record in this case.

(SIGNED)

T. B. Needles.

Commissioner.

Lyman

Cherokee Freedmen D 944.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Nelson for the enrollment of herself and her minor son, Willie Nelson, as Cherokee Freedmen.

DECISION.


The record in this case shows that on June 28, 1901, Sarah Nelson appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and her minor son, Willie Nelson, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 25, 1901.

The evidence shows that the said Sarah Nelson was a slave of a Cherokee citizen at the commencement of the rebellion; that she went to Kansas during the rebellion, and did not return to the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation.


The minor applicant, Willie Nelson, is a descendant of said Sarah Nelson, born since 1866, and has no right to enrollment except such as he may have derived through her. Neither of the applicants are identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sarah Nelson and Willie Nelson as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

Nowata, Indian Territory.

this JUL 29 1904

Commissioner.

714

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
MAR 21 1902

~~W. H. HARRIS~~ W. H. HARRIS

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sarah Nelson,

Ft. Gibson, I. T.

Cherokee F-D-994

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

In the matter of the application of Sarah

Nelson for enrollment as a Cherokee Freedman.

No. F. D. 944 Henry Pack, of lawful age, being duly sworn on
oath states that on the 16 day of September, A. D. 1901, he registered
to Sarah Nelson whose postoffice is Fort Gibson

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 20 day of September, 1901, he received the return
card which is hereto attached, signed by the said Sarah Nelson, showing
that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 20 day of Sept., A. D. 1901.

[Signature]
Notary Public.

No. 40 244

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Sarah Nelson
for enrollment as a Cherokee citizen:

Case No. D 944

To Sarah Nelson Ft. Gibson I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson T.

Indian Territory, on Sept. 26th 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 27 901

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Marriage License

State of Kansas, County of Johnson.

County Person Authorized to Perform the Marriage Ceremony.

You are Hereby Authorized, to Join in Marriage

of _____ years, and of this License you will
make due return to my office within Thirty Days.

In Testimony Whereof

T. S. A. DAY, Probate Judge of said

County and _____ have hereunto signed _____ and affixed the
seal of said _____ Court, this _____ day of _____
1875.

_____ Probate Judge.

It is hereby certified that _____ and _____
solemnized the Marriage of _____ and _____

_____ and _____
in the _____ Court of _____
County, Kansas, on the _____ day of _____
1875.

①

3 D944

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

ONEKROKKE FREEDMEN.

Date *April 28, 1961*
 Post Office *St. Albans, Vt.*
 District *Ill.*

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

17. Name of wife *Sarah Nelson* Age *65*
 Owner's name *Henry Nave* Citizenship *Ill.*
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

27. *Willie Nelson* Year _____ Page _____ No. _____ Dist. *19*
 4. Year _____ Page _____ No. _____ Dist. _____
 5. Year _____ Page _____ No. _____ Dist. _____
 6. Year _____ Page _____ No. _____ Dist. _____
 7. Year _____ Page _____ No. _____ Dist. _____
 8. Year _____ Page _____ No. _____ Dist. _____
 9. Year _____ Page _____ No. _____ Dist. _____
 10. Year _____ Page _____ No. _____ Dist. _____
 11. Year _____ Page _____ No. _____ Dist. _____
 12. Year _____ Page _____ No. _____ Dist. _____

Application made by

Ms. 1

Stenographer

L. E. Jones
Ada
W. B. Green

Birth aff. required

copy
Cherokee Freedmen

D-944.

Muskogee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Sarah Nelson for the enrollment of herself and minor child, Willie Nelson, as Cherokee freedmen, including the Commission's decision dated July 29, 1904, rejecting said application.

Respectfully,

I. S. Needles.

Encl. S-85.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-944.

COPY

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application for the enrollment of Sarah and Willie Nelson as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. Needles

Commissioner in Charge.

Encl. S-184.

Cherokee Freedmen

D-944.

Muskogee, Indian Territory, August 1, 1904.

Sarah Nelson,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Willie Nelson, as Cherokee freedmen, together with a copy of the Commission's decision dated July 29, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. B. Needles

Commissioner in Charge.

Encl. 8-186.
Registrar.

(COPY)

Refer in reply
to the following:
Land.
53810-1904

Department of the Interior,
Office of Indian Affairs.

Washington.

August 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 1, 1904, transmitting the record of the application for enrollment as Cherokee freedmen of Sarah Nelson for herself and her minor son, Willie Nelson.

July 29, 1904 the Commission decided adversely to the applicants.

The record shows that Sarah Nelson was a slave of a Cherokee citizen at the beginning of the war of the rebellion; that she went out of the Nation during the war and did not return on or before February 11, 1867; that the applicant, Willie Nelson, derives his title solely from Sarah Nelson; that the applicants are not identified on any Cherokee roll except the 1893 census roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully

W. A. Jones
Commissioner.

N.M.M.

W.

DOOR ORIGINAL -

(COPY)

DEPARTMENT OF THE INTERIOR

WASHINGTON.

J. P.
FHE
L.R.S.

D.C. 30987-1904
I.T.D. 6628-1904.

August 22, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 1, 1904, you transmitted the record in the matter of the application of Sarah Nelson for the enrollment of herself and minor child, Willie Nelson, as Cherokee freedmen, including your decision of July 29, 1904, rejecting said application.

Reporting in the matter August 1, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen
D 944

Muskogee, Indian Territory, October 4, 1904.

Sarah Nelson,

Port Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting your application for the enrollment of yourself and your minor son, Willie Nelson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 22, 1904.

Respectfully,

SIGNED: *Tarne Pixby.*
Chairman.

COPY

Cherokee Freedmen
D 944

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the application for the enrollment of Sarah Nelson and her minor son, Willie Nelson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 22, 1904.

Respectfully,

SIGNED: *Tamie Dixby,*
Chairman.

27 515044

Marriage License
&
Certificate

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PT. T. M. D.
AUG 12 1901



ACTING CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Cher. Fr. R 784

Cher. Fr. R. 784

Trans. from Cher F.D 949

60

18949

UNITED STATES
1894

UNITED STATES
1894

To be filed in the case of Leslie Bell, CVD-949.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28, 1901.

In the matter of the application of Lige Waite for enrollment as a Cherokee Freedman.

Appearances:

Mallette & Smith, attorneys for applicant:

W.W. Hastings, of counsel for Cherokee Nation.

Lige Waite, being duly sworn and examined by Commissioner

Needles, testified as follows:

Q What is your name? A Lige Waite.

Q How old are you? A Why I guess I am about 57 years old.

Q What is your post-office address? A Chelsea.

Q What district do you live in? A Cooweescoowee.

Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Two sons.

Q What are your sons' names? A One is named Granville and the other is Leslie.

Q How old is Granville? A He is 29.

Q Well he can enroll himself; have you got any under 21 years of age? A No, sir.

Mr. Smith: Who are your witnesses? A Mose Hardrick, Mose Riley, and Jim Alberty.

Q Mr. Waite, what is your postoffice? A Chelsea.

Q How long have you lived there? A About 15 or 16 years, thereabouts.

Q In that neighborhood? A Yes, sir.

Q Were you a slave? A Yes, sir.

Q Who was your owner? A Well, I was in the hands of Mr. Waite, Gen. Waite, in the beginning of the war, and remained there till I was freed; I claim he was my last owner.

Q Stand Waite? A Yes, sir.

Q Was he a Cherokee Indian? A Yes, sir, a full blood.

Q A citizen of the Cherokee nation? A Yes, sir.

Q Where were you at the time the war commenced? A I was in Arkansas at the first beginning of it.

Q How did you get with Stand Waite? A I was taken there to him.

Q Who took you there? A Bill Timmon.

Q Who was he? A That was a man lived in Arkansas.

Q When did he take you there? A At the beginning of the war.

Q Where were you when the war actually began, in the Cherokee Nation? A Right in the Cherokee nation.

Q How long before the war began were you taken to Arkansas? A I was taken from Arkansas to the nation.

Q How long after the war began were you taken out of the Nation? A I wasn't taken out of the nation at all.

Q Where were you then, where did you remain during the war? A I remained in the army with Mr. Stand Waite part of the time.

Q Where were you the rest of the time? A In the other army, on the other side.

Q In what way were you in the army, were you a soldier? A I was driving team to fire I was taken to the Choctaw Nation by Mr. Stand Waite.

Q When did you come back to the Cherokee nation after the war was over? A I never lived here till the war was over.

Q You said you went to the Choctaw nation? A No, I went there, I thought I was in the nation.

Q I am asking about the Cherokee nation: when did you come back to the Cherokee Nation after you went to the Choctaw nation? A I came back in the fall of '63 time of the Prairie Grove fight.

Q Where did you quit the army? A At Prairie, Grove.

Q What did you do when you quit the army? A Went back to Fort Gibson.

Q How long did you remain in Fort Gibson then? A I stayed there about a month I guess.

Lige Waite 2.

Q Then where did you go? A They hired me to go to driving teams on the other side.
Q Other side what? A For the union army, we called it.
Q How long then were you with the union army? A I was there with them till the war closed.
Q Where were you when the war closed? A I was down to Fort Gibson in the Cherokee Nation.
Q Well, what did you do after the war closed, where did you stay? A I came around there, rustled around through the nation and from this then I went to Kansas.
Q Where were you in the year '66? A I was down to Fort Gibson part of the time.
Q Well, how much of the time? A Oh I was down there I guess about I was down there, you might say I was there in the spring and went away and came back in the fall about hay making time.
Q Hay making time in the year 1866? A Yes, sir, helped them put up hay there.
Q Where have you been living since that time? A Part of the time here and part of the time somewhere else, I didn't have any particular home, I wasn't a married man, and I went wherever I could.
Q About how long have you been living in the Cherokee Nation permanently and without going out at all? A Oh about 15 or 16 years.
Q And during that time you been living where? A Been here about Chels, ea in Cooweescoowee.
Q Are you on any of the rolls? A Yes, sir.
Q What roll? A Wallace roll.
Q Did you draw Wallace money? A Yes, sir.
Q Are you on any other roll? A No, sir, I am I don't know it.

The 1890 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Wallace roll examined, and the applicant identified thereon, page 186, No. 3413, district not given, as Elijah Tinnon.

Commissioner: Well you are on the roll as Elijah Tinnon; how did that happen? A I don't know, they asked me what was my name, and I told them Lige Tinnon.

Q Were you ever connected with Tinnon? A No, sir, never that I heard of; I want to make a little explanation.

Mr. Smith: The question is, whether you ever went by the name of Tinnon? A Yes, sir.

Commissioner: You changed your mind in the last minute or two?

A I can tell you how that happened; in the beginning of the war Mr. Tinnon taken me to the army of S. Waite here in the Cherokee Nation, there he put me in the charge of Stand Waite.

Q You went by the name of Tinnon at that time of A Yes, sir, at that time.

Mr. Hastings: Where did you first see him? A I saw him in the Choctaw nation.

Q When was that? A That was in, well I expect it was about 62 or '63, I can't tell exactly when.

Q During the war? A Yes, sir, during the war.

Q Where did you first see him? A I don't see a Nose Hardrick in Stand Waite's army.

Q During the war? A During the war.

Q When was the first time you ever saw Stand Waite? A I saw Stand Waite when I was a little kid, I don't know how old.

Q How long before the war? A Some ten or fifteen years, maybe that long.

Q Did you live with Stand Waite ten years before the war? A No, sir

Lige Waite 3.

Q What was your old Mistress named, Mrs. Tinnon? A I don't know what her name was.

Q Do you know Hugh Tinnon? A Yes, sir, I know him.

Q You belonged to his mother? A No, sir; if I did I didn't know it.

Q Do you know Jim Tinnon? A I did.

Q Did you know him when the war came up? A Yes, sir.

Q Did you belong to his people? A No, sir, I didn't know that I did, I don't think I did.

Q Well, tell us what you know? A I can't tell you, I don't know it, that is a fact.

Q How old were you when the war came up? A I don't know, I was quite a boy, I was able to cut wheat with a five finger cradle.

Q Where were you living? A In Arkansas.

Q When the war came up? A Yes, sir.

Q You joined the army when General Blount came through there?

A No, sir, never joined the army in my life.

Q In what place in Arkansas were you living? A I don't know.

I don't know whether I was in Arkansas or New Jersey only they called it Arkansas.

Q That was the other side of Maysville?

A Yes sir.

Q Near Maysville? A Yes, sir.

Q How far was that from Maysville? A I can't tell you that.

Q Two or three miles? A I don't know, might have been.

Q How long had you been living at that place when the war came on?

A I can't tell you.

Q As far back as you can remember? A Well I might, I don't believe I do because I was to Maysville some of the time.

Q Either in that place in Arkansas or in Maysville, you lived clean up to the war? A Yes, sir, and sometimes lived in the Nation when I was little with Mr. Fields and Mr. Brach Nicholson, when I was a boy; the first thing I remember was setting up ten pins in town.

Q That was on the other side? A Yes, sir, but I lived in the Nation.

Q Who was Jim Fields wife at that time? A I don't know sir.

Q Was he married at that time? A I don't know sir.

Q Who were you staying with over there in Arkansas? A The Tinnons.

Q What Tinnons? A Was Jim Tinnon and the Tinnons generally.

Q Jim Tinnon or Hugh Tinnon? A Hugh Tinnon and Jim Tinnon, among the family.

Q You stayed with them? A Yes, sir, among the family.

Q You don't remember how long you were there or how old you were when you started to live with them? A I started from my birth I reckon.

Q And you were living with them when the war came up? A Yes sir.

Q And that was in Arkansas? A Yes, sir.

Q You know whether the Tinnons were Cherokees or citizens of the United States? A I can't tell you that only by hearsay.

Q You been up in Ottawa, Kansas? A Yes, sir.

Q When was the last time you were living up there? A About twenty years ago, maybe longer.

Q Married up there, were you? A Yes, sir.

Q What was your wife's name? A Mary Bell.

Q How many children bore up there? A Two.

Q What year were you married? A I don't know about that.

Q How long after the war? A I don't know about that.

Q What is your oldest child? A His name is Will.

Q How old is he? A About 32 years old, if he was living, I reckon.

Q Where is he? A He is dead.

Q He was born in Kansas? A Yes, sir.

Q Is he on any of these rolls? A Yes, sir, Wallace and Clifton both.

Lige Waite 4

Q What was his name? A William Bell, he went by his mother.

Mr. Hastings: I would like to have the rolls examined and see if there is a Will in that family of Elijah Tinnon, to see what his age is.

The Wallace roll and the name of Will Bell found thereon age given as 22 years.

Q You say he was born in Kansas? A Yes, sir.

Q What town? A Ottawa.

Q Did your first wife die up there? A The one I had then, she died here.

Q She was the mother of Will then? A Yes, sir.

Q And you came here you say about 22 years ago? A Yes, sir. longer than that I expect.

Q You came to Chelsea? A Yes, sir, Vinita, and Fort Gibson and everywhere I could go.

Q When you moved down here, where did you come to locate? A When we came, I had no place particular to locate, she moved down to her aunt's on Grand river.

Q You came here I think you said about twenty years ago from Ottawa, Kansas? A Yes, sir.

Q Did you bring these children with you, Will and the others? A Some of them I did, some of them were here.

Q When did you see Mose Wardrick after the war was over? A Saw him in '66.

Q Where? A Down to Fort Gibson, I think it was in Fort Gibson.

Q What were you doing there? A I went there and worked in the hay field in the fall of '66.

Q Who were you working for? A An old man had a government contract by the name of Martin, and Martin Coon.

Q What ~~direction~~ direction from Fort Gibson was he putting up the hay? A On this side, I suppose it would be north.

Q You see Mose up there? A No, sir, in town, I think I saw Mose there.

Q Spring or fall? A It was along in the summer, I have forgot just when.

Q Where did you see him? A It was in '66.

Q What time of the year? A Along in the summer or fall, I don't know which, spring time. I didn't ~~remember~~ particular notice the time or dates.

Q You know Lige Waite's wife was? A Yes, sir.

Q Know any of his family? A No, sir.

Q Know what sort of a house he lived in? A No, sir.

Q You never went to his place? A No, sir, never went to his place, he lived in the army, I stayed in that until I was freed.

Commissioner: In which army? A In Lige Waite's army, I called it the Indian army.

Q Northern army or Southern army? A Northern army.

Mr. Hastings:

What time did you see Jim in the Cheetaw nation?

A I told you it was in '62 or '63, I am not positive, but I think it was in '63, '62 or '63, I think it was in '63.

Q You never saw any of these fellows before the war? A I saw Jim when I was a boy.

Q Where? A Up in Mayaville.

Commissioner: Where is that, Arkansas? Yes, sir, I have seen none of them Tinnons since I left there, no recollection of the war.

Mose Wardrick, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Mose Wardrick.

Q How old are you? A 51.

Q Where do you live? A Live over here on Pryor creek in Coconino district.

Lige Waite 8.

Q How long have you lived in the Cherokee Nation? A Pretty near all my life.

Q Do you know this applicant, Elijah Tinnon or Waite? A Yes, sir. I know him a right smart while.

Q When did you first get acquainted with him? A When he was going to Pea Ridge battle under Col. Waite.

Q Where did you see him there? A On the Barron Fork mountain.

Q Where is that? A Away over here in the Cherokee Nation.

Q Did you see him once, or more than once, at that time? A Only once.

Q When did you next see him after that? A It was quite a number of years, I can't tell just exactly how many.

Q After the war? A Yes, sir.

Q About how long after the war? A It was a number of years.

Q Where did you see him then? A Down here on Panther Creek.

Q In the Cherokee nation? A Yes, sir.

Q You know where he lives now? A Yes, sir, he lives over on the same Creek where I seen him at.

Q Where was he living at the time you saw him on Panther creek?

A I say that is the same place, on Panther Creek.

Q Was he living there then? A Yes, sir, I saw him after he moved there.

Q You didn't see him any more till you saw him living on Panther Creek? A No, sir.

Q You remember how many years ago that has been? A No, sir, I don't.

Q You didn't know him before the war? A No, sir.

Q Commissioner: What year did you see him on Panther Creek? A I can't tell you just what year, I don't know any dates.

Q About how long after the war? A It was quite a number of years.

Q Five or six years, ten years? A I guess it was five or six anyway.

Q At least that? A Yes, sir, I think it was that according to my knowledge.

Mr. Hastings: Living there with his wife when you saw him? A Yes sir.

Q That is the first time you saw him after the war? A Yes, sir.

Q And that is the first time you saw him since you saw him on Barron Fork hills during the war? A Yes, sir.

Mr. L.B. Bell: Cherokee attorney: Where was Barron Fork hills? A Down across the Illinois River in Illinois District, when Waite and General Drew was going to Pea Ridge fight, I was hauling logs over there to a saw mill and the teams couldn't pull the loads up the hill and old Wose sent me to help the teams pull over the hills.

Q You say Waite's regiment was riding with the troops? A I saw Waite

Q This Waite here? A I saw Waite, and talked with him.

Q What year was that? A I don't know what year it was, you I know I didn't know no dates at that time, I wasn't allowed to pick up a book.

Q You don't pick up books now but still you hear days and dates.

A I hear dates but I can't keep them in my head.

Lige Waite, recalled, testified:

Mr. Bell: What were you doing in Waite's army? A Driving a team.

Q All the time? A Yes, sir.

Q Where did you begin driving a team? A I started when this little fight over here on the Hills, old Fort Wayne, there was a squad of his men took a gun down to this place, and there is where this man is talking about.

Q What time of the year did you begin driving teams? A In '61.

Q What time of the year? A I don't know, it was along in the summer, summer or spring.

Like Waite 6

Q You are certain it was in the summer or spring? A I know it was that time of the year, so far as the day or hour is concerned, I don't know.

Q You can tell whether it was freezing or hot weather? A Well it wasn't freezing, but it is a long time to carry it in my head, these things, I can't do it.

Q Where did they take you from Fort Wayne? A They camped to this place, they are talking about, I don't know, down in the nation somewhere where this man pulled us out.

Q They took you down there where this man pulled you out you say? A Yes, sir.

Commissioner: Where was Fort Wayne? A That was in the Cherokee Nation.

Mr. Hastings: Was Hugh Tinnon a captain in Waite's regiment? A I can't say whether he was or not, I think he was a captain in some kind of people but whenever stayed with the army, he was captain of these fellows they had out guarding the western borders.

Q I thought you said in your testimony that you saw Mose Hardrick in '65 or '66 at Fort Gibson? A Didn't I say that I might be mistaken, I said I might have seen him there.

Jim Alberty, being duly sworn by Commissioner needles, to testified as follows:

Mr. Smith: State your name? A Jim Alberty.

Q How old are you? A 70.

Q Where do you live? A Saline District.

Q In the Cherokee nation? A Eight miles east of Chouteau, Cherokee nation.

Q Do you know this man, Elijah Tinnon or Waite? A Yes, sir, I know Tinnon.

Q How long have you known him? A I expect I have known him over 30 years.

Q When did you first get acquainted with him? A First got acquainted with him at Tinnon not far from Maysville there.

Q When was that with reference to the war, before or after? A Before the war.

Q Do you know whether he was during the war? A No, sir.

Q When did you see him first after the war? A I saw him, you say do I know where he was during the war?

Q Yes? A No, sir, not during the war.

Q Did you see him at any time during the war? A I saw him just before the war.

Q I am talking about after that, during the war, or after the war, when you next saw him? A Yes, sir, I saw him once during the war.

Q Where? A Why down south driving teams, that is where they had met.

Q Driving a team, who was he with, with anybody? A He was driving a team for Waite.

Q What Waite was that? A Old Stand Waite.

Q When did you see him then next after that? A Seen him here at Fort Gibson.

Q When? A It was early, it was about '66 or '67.

Q What was he doing there at Fort Gibson? A Just knocking around, anything they would let him do, he was just working.

Q You know how long he stayed in Fort Gibson? A No, sir, I don't.

Mr. Hastings: You first saw him during the war or since the war? A Yes, sir, just in war time.

Q How long after that was it till you saw him again? A I don't know, give me time and I will tell you as near as I can; It must have been five years.

Q The next time you saw him with his wife? A Yes, sir, the next time I saw him with his wife.

Q Where was he living then? A Here at Chelsea then.

Lige Waite 7

Q On the hill north of Chelsea, isn't it? A Yes, sir, I think it is two or three miles north of Chelsea.

Q Two or three miles north of Chelsea? A Well north or west, I don't know which.

Q About how long ago was that you saw him there? A Well I don't hardly know how long that has been, it has been several years though.

Q Well, your best judgment as to how many years? A Well, that is the best of my judgment.

Q I want to get it down there about how many years ago you saw him?

A That is as near as I can give it.

Q You think as much as 15 years ago since you saw him there north of Chelsea? A No, sir, it hasn't been 15 years.

Q Well, has it been 10 years ago? A Well I can't say, because I don't know, but there is where I saw him, I gave you the best I know

Q Well now your best judgment as to how long it was? A It might have been eight years ago, I don't know.

Q That is your best judgment? A Yes, sir.

Q That is the next time you saw him after you saw him at Fort Gibson? A Oh now you are getting it wrong; that is the first time I ever saw him up here to his home.

Q But now when did you see him next after you saw him at Fort Gibson? A I saw him off and on all along, just in passing.

Q Where did you see him off; you saw him off, I am going to ask you where you saw him off and then where you saw him on? A I can't talk that.

Q Where did you see him next after you saw him at Fort Gibson?

A I saw him making rails all about.

Q That off? A I don't know.

Q Where was he making rails? A In the bottom below Gibson, on this side of the river, down there in the bottom.

Q About how long after that before you saw him around Gibson?

A I didn't see him around Gibson any more, I saw him at work though in the woods down there.

Q That was in '66 or '67 you said, along about that time? A Along about that.

Q You are not positive as to the date of that? A No, sir, I am not positive.

Q You knew him before the war did you? A Yes, sir.

Q You saw him at Tinnons? A Yes sir.

Q Was that about the time the war came up or before? A It was before.

Q About how long before? A I don't know, ten or fifteen years maybe, I have knowed him a mighty long time.

Q You say him ten or fifteen years before the war? A Yes, I guess so.

Q At what Tinnons was that? A Why I don't know the names, just Mr. Tinnon is all I know.

Q Was he a Cherokee or a white man? A No, sir, white man.

Q Where did he live? A Sometimes to Maysville and sometimes on their place.

Q Where did you see him, know him to live? A I have knowed him to live to Maysville.

Q Is that in Arkansas? A Yes, sir, that is in Arkansas, right on the line.

Q When was the last time you saw the applicant just before the war?

A I can't tell you just when it was because I don't know.

Q How large was he when you saw him there the first time ten or fifteen years before the war, about how old was he? A He was larger than he is now, I don't know about his age.

Q That is when you first saw him? A Yes, sir, he was a fleshy man then.

Q Was he married before the war? A Well I can't tell.

Q You don't know about that? A No, sir, don't know whether he was ever married or not.

Lige Waite 6

Commissioner: You say the first time you saw this man was at Maysville, in the State of Arkansas? A Yes, sir.

Q He was living with the Timmons? A Yes, sir.

Q Timmons white man? A Yes, sir.

Q On a plantation, or farm? A He was about town, I don't know whether he had a farm or not.

Q Did Timmon live in the town? A I saw him there, I don't know whether he lived there or not, I never saw Timmons.

Q You saw you saw him with Timmons? A Yes, sir, his old Mistress Timmon that used to be, he used to drive the carriage.

Q That is old Mrs. Timmon in Maysville, Arkansas? A Yes, sir, there is where I first knew him.

Mose Riley, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Mose Riley.

Q Where do you live? A Chelsea.

Q How long have you lived in that neighborhood? A Between 21 and 22 years.

Q Do you know this man, Elijah Timmon, or Elijah Waite? A Yes, sir.

Q This applicant? A Yes, sir, I know him.

Q Know where he lives? A Yes, sir, he lives down there close by me.

Q How long has he been living in that neighborhood? A I don't know sir exactly how long, he has been living there quite a bit.

Q Give us your best judgment? A I expect between 15 and 16 years there.

Q And did you know him before that? A I saw him before that, yes sir.

Q How long before that? A Oh it was quite a while before that.

Q Where did you see him? A In Saline once.

Q Give us your best judgment as to how long ago that has been; was it before or after you moved up in the Chelsea neighborhood? A No, sir, I was still living there, my father was, and he stayed that night at my father's house.

Q When? A It must have been in '66 or '7 somewhere along in there.

Q You can't give the exact time? A No sir, I don't know exactly, but it was right along there somewhere he stayed all night at the old McNair place with us.

Q Where was that? A In Saline district.

Q Cherokee Nation? A Yes, sir.

Q You didn't know him before the war? A No, sir, I didn't know him.

Q You don't know anything about who he belonged to? A No, sir.

Mr. Hastings: Was his wife with him? A No, sir.

Q A single man? A I don't know whether he was single.

Q Which way was he going? A Going up the country when I saw him.

Q North or south? A Going up the river he said.

Q How old are you now? A I am about 51.

Q You had never seen this man before? A Not to know him.

Q You know what time of the year it was? A I disremember whether it was before Christmas or after Christmas now.

Q Your father had made a crop on the McNair place that year? A Oh yes.

Q Mrs. Martin Thompson living there at that time? A Yes, she was living there I believe.

L.B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: Q What is your name? A L.B. Bell, 62 years old, post-office, Vinita.

Q Where did you live before the war? A I lived up on Beattie's Prairie, Cherokee Nation.

Q How far is that from Maysville? A About three miles or two and

Lige Waite 9.

a half.

Q Is Maysville in the state of Arkansas or the Cherokee Nation?

A Well it was in Arkansas, there was a few houses on the Cherokee side, Mose Fields had a little place there.

Q Did you know some Tinnons who lived over there about Maysville?

A Yes sir, Hugh Tinnon, William Tinnon, and Jim Tinnon, three brothers.

Q You knew their father? A No, their father died about '47.

Q Did you know their mother? A Yes, she had married a man named Alexander.

Q Did these people live in Arkansas or the Cherokee Nation?

A They lived out a mile or two from town in Arkansas.

Q Were they citizens of the Cherokee Nation? A No, sir.

Q Were they Cherokees? A No, sir.

Q Never were recognized as citizens of the Cherokee Nation? A No they never pretended to be.

Q Never lived in the Cherokee Nation? A Never pretended to.

Commissioner: Did you know the applicant at that time? A No, sir. I knew they had some slaves, but I didn't know him.

Q They were slave holders? A Yes, sir, they had some slaves.

Mr. Hastings: Did Waite hold some office in the Army? A Stand Waite was first colonel of a Cherokee Regiment in the Confederate Army, and afterwards a Major-General; his regiment was organized first in October, '61, that is my recollection about it; I belonged to it.

Commissioner: He was a Cherokee? A He was a full Cherokee, a full blood Indian; he was my uncle.

Q He a slave holder? A He was a slave holder.

Q He was your uncle? A Yes, sir.

Q You acquainted with his slaves? A Pretty much.

Q You ever know the applicant to be a slave of his? A No, sir, he never had one named Elijah that I know anything of.

Q You were a nephew of Stand Waite? A Yes, sir.

Q You were well acquainted with then his family? A Yes, sir, I stayed at his house a year and went to school.

Q You knew some of his slaves I suppose? A Yes, he had one negro woman a few years before the war, Dan Thompson's wife, and he had a woman named Mary, and he had one other, I forget her name, and they had some children.

Mr. Smith: When did you go to Texas, Mr. Bell, what year? A Well I took my slaves down there in 1861, or rather sent them; we had a whole lot and a farm there since 1846.

Q Where were you living when the war commenced? A I was living right on Beattie's Prairie.

Q In the Cherokee Nation? A In the Cherokee Nation, yes, sir.

Q Did you ever live in Texas before the war? A Yes, I went to Texas in 1853 and stayed there at school two years, and then I was there in '57 and '58 and '60.

Q And where was Stand Waite living? A Stand Waite was living first on Honey Creek.

Q He lived in the Cherokee Nation did he? A Stand Waite lived in the Cherokee Nation all his life I reckon.

Q He didn't live in Texas at all? A Yes, he was alive in Texas when he would be there.

Q Well, Stand Waite lived then in the Cherokee Nation up to the time of the war? A He lived continuously in the Cherokee Nation you might say.

Q You say you were pretty much acquainted with his slaves; can you state you knew all the slaves he had? A No, I gave you my best effort a while ago when I enumerated them that I knew.

Q What I mean, you can't state positively that was all he had, the ones you enumerated? A No, that is about all he had in sight though.

Lige Waite 10.

Q All you know of? A Yes.

Q But for the three years previous to the war you had been in Texas and he had been here? A Well, the time I lived in Texas was just a matter of business, going down to look after our business and back, my home was at Beattie's Prairie, I work there, I lived there.

Q You went to school back in Texas? A In 1853 I went there for my health and went to school, and after that I came back and married and lived right at Beattie's Prairie until the war sent me back to Texas.

Commissioner: How far from Stand Waite's? A About ten or 12 miles, about 15 miles, near the mouth of Honey Creek; I sold goods right there in my establishment right up to the war.

Commissioner: Elijah Waite applies for the enrollment of himself. He avers that he was the slave of one Stand Waite, and during the war he was employed in both the Federal and Confederate armies. He returned to Fort Gibson in the Cherokee Nation in the year 1866; that he married in the State of Kansas and returned ~~after~~ from the State of Kansas to the Cherokee Nation about twenty years ago. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or upon the Kern-Clifton roll. He is identified upon the Wallace roll as Elijah Tinnon. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card to await further consideration of the Commission. He will be notified by mail of the action of the Commission in the premises.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 11th of July, 1901.

(signed) T. B. Needles,
Commissioner.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M. D. Green

Subscribed and sworn to before me this August 30th, 1901.

[Signature]

Commissioner.

1949

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1901

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29, 1901.

In the matter of the application of Leslie Bell for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Comdr. J. O. Needles, he testified as follows:

Appearances:

Mr. Smith, of Hellette & Smith, for the applicant;
Mr. W. W. Hastings, and Mr. J. A. Davenport, for the Cherokee Na.

- Q What is your name? A Leslie Bell.
Q How old are you? A Betwixt 28 and 30.
Q What is your post-office address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Descendant of a Cherokee Freedman, yes, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q What is your mother's name? A Mary Bell.
Q What is your father's name? A He goes by the name of Lige Watie.
Q Are you married? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Kerns-Clifton:

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 180 #3704 Leslie Bell, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 182 #3340 Lesley Bell. (No district) - -

- Q Who do you claim your citizenship through, your father or mother?
A Mother.
Q Mary Bell? A Yes sir.
Q Where were you born? A Mother tells me I was born on Grand river.
Q Where have you lived all your life? A First one place and another, Judge.
Q Ever been married? A No sir.
Q Ever live with your mother? A Yes sir.
Q You live with your mother now? A Mother is dead.
Q Is your father living? A Yes sir.
Q Has he been listed for enrollment here? A He was in here, yes.
Q You know whether the facts in his case covers yours or not?
A I don't know anything about that.
Q Where are you living now? A At Chelsea.
Q Who with? A I live with my father when I am at home.
Q When are you at home? A Every once in a while.
Q Most of the time in Kansas I suppose? A No sir, I travel everywhere; around through the Territory and everywhere.
Q What business are you in? A No particular business.
Q Shoot craps occasionally around through the country? A Farm sometimes, yes sir.
Q You say your father's name is Elijah Watie? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A Sam Bell.
Q Sam Bell a Cherokee citizen? A Yes sir, I suppose he is, or was.
Q Is he living? A I don't know anything about that.
Q Was your mother taken out of the Cherokee Nation during the war?
A I don't know sir, I guess she was.
Q Have you got anyone here that knows? A Alex Boudinot and Hoss Riley.

ELIJAH WATIE, being sworn by Comdr. Needles, testified as follows:

BY MR. SMITH:

Leslie Bell 2

Q What is your name? A Elijah Watie.

Q Are you the same Elijah Watie who applies here yesterday for enrollment? A Yes sir.

Q Do you know this young man who is an applicant? A Yes sir, that's my boy.

Q Your son? A Yes sir.

Q When was he born? A I don't know sir just when he was born, he is about 32 or 3 years old, though.

Q Born after the war? A Yes sir.

Q Where was he born? A In the Nation here.

Q Whereabouts in the Nation? A Down on Grand river, so his mother said, I wasn't there.

Q In the Cherokee Nation? A Yes sir.

Q What was his mother's name? A Mary Bell.

Q When were you and Mary married? A About '67 I expect, I don't know just when.

Q You know where Mary was during the war? A Well I know part of the time.

Q You know when she first came back to the Cherokee Nation after the war? A Come back here in '66.

Q How do you know that? A I know it by being with her.

Q Was she a slave? A Yes sir, supposed to be.

Q Who did she belong to? A Belonged to Mr. Bell a Cherokee citizen.

Q ~~Was~~ Where has this boy been living in the last few years?

Q He has been living with me, that's his home, with me.

Q He married or single? A Single, I suppose.

Q Ever been married? A No sir, not that I know of, if he has I don't know it.

Q Living with you what time he aint gone? A Yes sir, that's his home, with me.

Q Where do you live? A I live down by Chelsea.

Q How long have you lived there? A 15 or 16 years.

BY MR. DAVENPORT:

Q How much of the time is he at home as you call it, at your house? A Not very much, about a third of the time I guess.

Q He has been living in Kansas quite a while? A I don't know where he lives; every time I hear of him he is in the Nation here somewhere at some of these towns, at everything that is got us, he is at it.

Q How long had he been at your home the last time? A 5 or 6 months.

Q He has been living at your home 5 or 6 months last past? A Not lately.

Q Yes? A Yes sir, he was down there a month ago I guess.

Q I am asking you how long he has resided at your home continuously the last time, since the enrollment began? A He has been there all the time, that's his home.

Q How long has he been at your house, the last time? A About a month I guess.

Q He come just about the time the enrolling began? A No, he was there before that.

Q He was there just a week before? A He was there a month before that, he was there all the winter early.

Q Hadn't been away at all? A Yes sir.

Q Don't you know this man came on the 'Frisco train a week before the enrolling began then at Chelsea? A Yes sir, he did, but he had been there before; he went away on a visit.

Q Are you sure he had been on there, come back a week before at Chelsea? A I don't know how long he had been away.

Q You know he came through that way? A I don't know, I didn't see him when he come.

Q He hasn't been at your house for a year at a time for 20 years?

A I expect not, altogether at once.

Leslie Bell 3

Q He was born where? A I was told he was born on Grand river.

Q You and his mother were not married at the time he was born?

A Yes sir.

Q Where were you? A I was in the Choctaw and Cherokee Nation.

BY MR. HASTINGS:

Q You testified in your own examination you came back over here about Chelsea 16 or 17 years ago? A Yes sir, I located there about that time.

Q And you came from Kansas down here, where you lived at that time? A I didn't say that.

Q Well, did you? A I don't think I did.

Q Well did you come from Kansas down here when you located down there? A No sir, I come from Vinita.

Q Where did you come from to Vinita? A I come from Kansas.

Q How long had you been at Vinita? A All winter I guess.

Q Your wife come with you? A No sir.

Q How long had she been down here in advance of you? A I don't know sir.

Q About how long? A Might have been a year or two.

Q This boy come with you? A The boy was here when I come, he didn't come with me.

Q Did he come with his mother? A I don't know, I think he did.

Q Don't you know anything about the whereabouts of your own boy?

A Sometimes I do and sometimes I don't.

BY COM'R NEEDLES:

Q Fact is he is running around through the country, and when he gets broke and runs out of something to eat, he comes home?

A Yes sir.

BY MR. HASTINGS:

Q Where did this boy come from? A I don't know.

Q Never heard him say? A I never heard him say, because it is more trouble to talk with him than it is to do the work..

Com'r Needles: Leslie Bell applies for the enrollment of himself; he avers that he is a child of Elijah Watie and Mary Bell; he was born in the Cherokee Nation. He is ~~not~~ identified upon the authenticated roll of 1830 or the census roll of 1896; but is identified upon the Kern-Clifton and the Wallace rolls; as to his residence reference is made to the testimony; said Elijah Watie, his father, was listed for enrollment on D card 921, and a copy of the testimony taken in the latter of the enrollment of Elijah Watie will be made a part of the record in the case at bar, and a copy thereof filed herewith; said Leslie Bell will now be listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail at his post-office address of the decision of the Commission when reached.

M.D. Graham, Esq., first duly sworn, states that a testimony was given to the Commission to the Five Civilized Tribes and is correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of the same and he so notes thereof.

Subscribed and sworn to before me this 1st day of May, 1901.

[Handwritten signature]

Commissioner.

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File with C.F.D-949, Leslie Bell.

SUPPLEMENTAL: C.F. D- 921.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 2, 1901.

In the matter of the application of Elijah Watie for the enrollment of himself as a Cherokee Freedman.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

Appearances:

Mr. Smith, of Mellette & Smith, Att'ys for applicants;
Mr. W.W. Hastings, of Attorneys for the Cherokee Nation.

SILAS PIERSAL, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Silas Piersal.

Q What is your post-office? A Ottawa, Kansas.

Q How old are you? A 65 years old.

BY MR. HASTINGS:

Q When did you first move to Ottawa, Kansas? A I moved there in '66, I was first there in '65, but I didn't move there until the spring of '66.

Q Have you lived there since that time? A Yes sir, continuously.

Q Did you know a colored man who went by the name of Elijah Tinnon?

A Yes sir.

Q Where did you know him? A Ottawa, Kansas.

Q Did he have a wife? A Yes sir.

Q What was her name? A Her name was Mary Tinnon.

Q Did he have some children? A Why he had some boys I think he had 4 boys.

Q You remember their names? A One was named Will and the other was Lula and I think George and I don't know the other one; I can't remember the other's name.

Q How long did you know Elijah Tinnon? A Well I can't be positive as to that, I think I knew him probably 12 or 15 years.

Q Where? A Ottawa, Kansas.

Q Was he living there? A Yes sir.

Q With his wife and family? A Yes sir.

Q About when did he leave there? A Well sir, I don't know positively when he left there, but I think he left there about '80 or '81 or '82, or somewhere along there. From the way I connect that positively, there was a woman come there living there, Mrs. Brown, came there 21 years ago, and she said when she came there Lige Tinnon was there, and moved away sometime after she came there.

Q Then he would have moved away some time after 21 years ago? A Yes sir.

Q Which would make it some time after '80? A Yes sir, probably '81 or '82; it might have been later than that I don't know.

Q You had known him I believe you said 12 or 15 years before that? A Yes sir, I think that I had known him that long; I couldn't swear positively how long I knew him.

Q What was he doing there? A He was working there mostly I think.

Q Did you see him frequently? A Oh yes sir, used to come in my place of business and get lunch very frequently.

Q What business were you engaged in? A In the grocery and bakery business, and baked these big Lincoln pies and everybody come in after that; used to eat a great deal of that.

Q Do you remember when you first learned to know him? A Well sir, I can't say as to the exact time; I might have known him in '66 and ~~but I can't say as to the exact time~~ it might not have been until '69; I couldn't say, I couldn't swear as to that.

Q You didn't know him until after you come to Ottawa? A No sir, I never saw him until I come to Ottawa.

Elijah Watie et al 2

Q Did you miss him from there any considerable time after you first knew him until after he left there as you stated awhile ago?
A He left there and then after he had been gone a while he come back on a visit, I know I met him on the street and asked him where he had been and etc., and he said down in the Territory.

Q Down in the Territory? A Yes sir, I think so.

Q That was after he left in '80 some thing? A Yes sir.

Q But I mean in the time you first saw know him until after '80 when he left there, did you know him all that time? A Yes sir, I knew him up until about '90 or '91 or '92, somewhere along there.

Q Lived there with his family? A Yes sir.

Q You know him by what name there? A Lige Tinnen.

Q Did you ever hear him called any other name? A No sir, never did.

BY MR. SMITH:

Q Well, Mr. Piersal, you don't know the beginning of your acquaintance with Tinnen, whether it was '69 or what year it was?

A No sir, it might have been '68 and it might have been '69, I wont say as to that, positively.

Q From that time on up until the time he left there you say in '90 was he there all the time or not? A Yes sir, he was there all the time.

Q How is that? A I would think he was there all the time.

Q I know, but what do you know about it? A Well he would be in my place of business every once in a while and I would see him there off and on every once in a while, and I didn't know of his going away

Q You had no especial reason to observe his goings or comings did you? A No sir.

Q Have you ever testified against him at any time before? A Nosir.

Q Did you ever have any occasion to think about whether he was there until recently? A No sir, not until a few days ago.

Q Now that has been something over 20 years ago can you state of your own personal knowledge that he was not away from there during that period of time? A No sir, I couldn't state that he was not away from there; he might have been away from there; I couldn't swear as to that.

Q The only way you have of fixing the date as being up until '81 is by what some woman told you? A Yes sir, this woman came there about 21 years ago; she worked for me about 10 years.

Q You don't know that she came there 21 years ago, but you were talking with her and she told you she had been there 21 years?

A Yes sir, she told me that and Lige Tinnen was there when she came.

Q And you are basing your statement just upon what she said? A Yes sir, because I don't know positively what time she was there, but I feel positively that he was there 10 or 15 years. There was a little circumstance happened one time; his partner and this Smith Ewing and Lige was partners in a well digging, and I had some chickens roosting on my place and Lige and Smith Ewing one night and was stealing the chickens and I caught them one night and I told Lige by asking him if Smith divided the chickens with him and Lige would always laugh about it and he never divided with him.

Q But you can't state what date that was? A Well from circumstances, my father-in-law and I were in partnership together; it must have been about '72; but I was acquainted with him a long time before that.

Q And for a long time after that?

Q But you can't state of your own knowledge when he left there?

A No I can't state that, I don't know positively when he went.

BY COMMISSIONER BRECKENRIDGE:

Q When did you first go to Ottawa? A I went there to live in '66 I was there in '65, October, but I didn't go there to live until

Elijah Watie et al 3

the spring of '66.

Q Do you remember seeing this man Elijah Watie soon after you went there? A I haven't got him in my mind as Watie.

Q You know him as Tinnon did you? A Yes sir.

Q How long had you been in Ottawa before you met this man? A I am not positive, but I think not later than '78, I mean '69, it might have been in '66, I don't know.

Q And you state that then he left that part of the country along sometime after '80? A Yes sir, I would think about that time.

Q Have you any distinct recollection of seeing him continuously in the country from say along in '69 until along about '90? A

Nothing more than he traded with me and was in my place of business took lunch very frequently, and we used to joke each other a good deal.

Q Do you remember missing him from the community for a considerable length of time? A No sir, not until after he came back and I had missed him for some time.

Q When was that? A Not a great while ago, probably 10 or 15 years ago; I met him on the street and asked him where he had been keeping himself and he said down in the Territory.

Q How long did he stay up there at that time? A I don't know, I met him probably twice on the streets and then I have never seen him since.

Q How long was that after you spoke of his being gone the first time in '80 along there somewhere? A I don't know sir, he might have been gone two or three years, I was surprised to see him there and asked him where he had been keeping himself and he said down in the Territory.

COMMISSIONER BRACKINRIDGE: This will be filed as supplemental testimony in Cherokee Freedmen Doubtful case 921, and also Cherokee Freedmen Doubtful case 949.

J. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Green

Subscribed and sworn to before me this October 9th, 1901.

[Signature]

Commissioner.

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File with C.F. D-940, Leslie Bell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 7, 1901.

In the matter of the application of Elijah Watie for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

JAMES TINNIN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A James Tinnin.

Q What is your postoffice? A Maysville, Arkansas.

Q How far do you live from Maysville? A Well, it is a mile north.

Q Well, how long have you lived there? A I have lived there all my life, all except during the war.

Q You lived there before the war? A Yes, sir, raised there.

Q What is your father's name? A Lemuel Tinnin.

Q What is your mother's name? A Mary.

Q Name your brothers? A The oldest, Thomas, Hugh, William, and there is four of us.

Q And yourself? A Yes.

Q When did your brother Will die? A He died in '62.

Q Your brother Hugh died since the war? A He died since the war.

Q Did you or any of your family own a colored man by the name of Elijah? A Lige, we owned a boy by the name of Lige.

Q About how old was he when the war came up? A Well, the best I recollect, Lige was about 16 or 17 years old when he left.

Q Now tell the Commission here what became of Lige? A Well, when Blunt's army came in there why Lige went off with the army.

Q Where were you? A I was at home when they first came in, but I taken the stock and started with Lige out in the woods, and I had no blankets to sleep under, and I sent Lige back to the house to get blankets and Lige never came back, I never saw him no more.

Q He didn't bring the blankets? A No, sir, he sent the blankets by his younger brother.

Q That was General Blunt's army, came through during the Civil War? A Yes, sir.

Q Where was that? A That was at Maysville.

Q Arkansas? A The skirmish was in the Nation.

Q Where were you living? A I was living in Arkansas.

Q Now who owned Lige at that time? A Well, in the division why Lige went to me and my brother William.

Q Where was your brother William then? A He was a soldier in the army.

Q You had remained at home yet? A I had been out with the troops the state troops, and been discharged, and came home about the time General Blunt came in.

Q And you were trying to protect your property by taking it away?

A I was trying to protect the mules and horses and I run them out in the hills.

Q And you sent Lige out for some blankets? A Yes, and he never came back any more.

Q Did you ever see Lige after that? A I never saw him any more.

Q Didn't you see him five years ago when we were around with that Kern-Clifton Commission? A No, they said he had been here but I didn't get to see him, he had went back home.

Q What was your citizenship, you a white man, or a Cherokee? A I am a white man.

Q You never claimed any Cherokee citizenship? A No, never claim-

ed any.

Q You have always lived in Arkansas? A All the time.

Q You ever sell this man to General Watie? A No, sir; or the boy rather; I don't know anything about the man now. I know what you have reference to.

Q You people always just called him Lige? A Yes.

Q You called your slaves by the first names anyway, didn't you?

A Yes, sir.

Q Well, your family was the only family of Tinnins that lived around Mayville? A Only family, yes, sir.

Mr. Mellette: Well, who is your brother William, I mean what citizenship did he have? A He was my brother.

Q Was he a citizen of the Cherokee Nation? A Citizen of Arkansas.

Q Didn't live in the Indian Territory? A No, sir.

Q Claim citizenship there? A No, sir.

Q Did this man Lige Tinnin ever belong to Stan Watie? A The Lige that we owned never belonged to him.

Q The Lige that you owned never belonged to Stan Watie? A No, sir.

Q Do you know that the Lige you owned is the one who is applying here for citizenship? A No, sir, I don't, I don't know Lige Watie.

Q The one you are speaking of never went by the name of Elijah Watie, did he? A No, sir.

Q It may be a different man then? A I don't know anything about Elijah Watie.

Mr. Hastings: How long did you know this Lige? A Why he was raised there on the place, the family of them, his mother; well his father didn't live on the place.

Q He had been raised on the farm? A Been raised right on the farm.

Q What was his mother's name? A Charlotte.

Q You say this man's mother was Charlotte? A Charlotte.

Q Did you have any other Lige in your family when the war came up?

A No, sir.

THOMAS CAWOOD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Thomas Cawood.

Q What is your postoffice? A Mayville.

Q Arkansas? A Yes, sir.

Q How long has that been your postoffice, with the exception of the war? A About 53 years; well it isn't that.

Q Well it has been since the war? A Well before the war and all I have been there about 57 years.

Q Before the war and afterwards? A Yes, sir.

Q Well, with the exception of the intermission of the war you have been there for that length of time? A Yes, sir.

Q Do you know this witness, Jim Tinnin, that left the stand?

A Yes, sir.

Q What relation, if any, is he to you? A Not any.

Q How long have you known him? A We were raised together.

Q You knew him before the war? A Yes, sir.

Q How far did you live from him when the war came up? A Lived in about a mile and a half I reckon.

Q Do you know whether or not he had a slave by the name of Lige?

A Yes, sir, he had a boy by that name.

Q Do you know what became of him? A Why he run off when Blunt come in there.

Q Did you know Lige's mother? A Her name was Charlotte, that is what they said.

Mr. Mellette: Did you know a man by the name of Bill Tinnin? A Bill Tinnin, yes, sir.

Q Do you know whether Bill Tinnin took this slave, Watie, or Elijah Tinnin, and turned him over to Stan Watie at the beginning of the war?

A No, sir, I do not.

Q Where is Bill Tinnin? A He is dead.

JAMES TINNIN, recalled by attorney for applicant, testified as follows:

Mr. Mallett: Mr. Tinnin, you say Bill Tinnin was a part owner of this slave, Elijah? A Yes, sir, me and him both together.

Q Do you know whether Bill Tinnin took this slave and delivered him to Stan Watie in the Cherokee Nation about the beginning of the war? A He never did.

Q How do you know he didn't? A I would have objected to it.

Q Well, but suppose he would have done it without you knowing it? A He didn't do that, he wasn't at home, he was a soldier.

Q Well, as a soldier, how do you know he didn't do it? A By being at home and Lige was at home.

Q Where was Bill? A He was in the Confederate Army, he was in Arkansas a portion of the time.

Q He was around there in that country wasn't he? A He was down in Arkansas and Missouri together.

Q Well, did he come back home sometimes? A Well, I believe he got a furlough once and came home.

Q Isn't it a fact that this slave Lige was with Stan Watie and waited on him a part of the time? A I don't know anything about it if he did.

Q You don't know anything about that? A No, sir.

Q When did you say he ran off from you? A Why he went off with General Blunt's army when they came in.

Q Well, that was about 1861? A No, I think it was the fall of '62

Q Are you certain that was the time? A I am not positive about this because it is a long time to recollect you know.

Q You will swear that Bill Tinnin didn't take Lige, the slave Lige, and deliver him to Stan Watie? A If he ever done such a thing I never knew anything about it.

Mr. Hastings: Did you ever join the army after that? A Yes, I joined an artillery company.

Q Were you ever in Watie's company? A Yes, I was in Watie's outfit.

Q How long after that, after Lige run off? A After I joined the artillery?

Q So, after Lige run off till you joined the artillery and was in Watie's company? A Why I can't tell you hardly about that.

Q Well, were you ever in Watie's company after Lige run off?

Q Oh yes, sir, Hugh Tinnin had a company in his regiment.

Q Your brother? A Yes, sir, I got a transfer to his company.

Q Hugh Tinnin was a captain in Watie's regiment?

Q Are you quite sure about that? A Yes, sir.

Q Hugh Tinnin had a company in Watie's regiment.

Q You then was under Hugh Tinnin? A Yes, sir, I was in his company.

Q Did you ever see this negro Lige? A No, I never saw Lige any more after he left with General Blunt when he came in, that is the last I saw of Lige.

Q There was Will Tinnin, your brother Will, when Lige run off?

Q Why he was in the army.

Q He wasn't at home? A Wasn't at home.

Commissioner: This testimony will be a part of the record in Freedmen D-949.

.....

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 20th of November, 1901.

Notary Public.

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File with Cherokee Freedman B-949, that of Leslie Bell

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 33, 1901.

Supplemental testimony in the matter of the application of Elijah Watie, C. F. D. 921.

Appearances:

James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicant

H. C. HARTFORD, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation

(By Davenport)

Q What is your name? A H. C. Hartford.

Q What is your post office address? A Ottawa, Franklin County, Kansas

Q How long have you lived there? A Since '65.

Q What is your age? A 44.

Q Since you have lived there did you ever get acquainted with a colored man named Watie Tannon? A I was acquainted with Lige Tannon that is what we called him there.

Q When did you get acquainted with him? A In '68 or '70

Q How long did he live there after you got acquainted with him? A Some 15 or 18 years, he was gone off and on a great deal, but he had his family there.

Q Did he have a wife? A Yes sir.

Q What was his wife's name? A ~~She~~ ~~will~~ ~~cant~~ ~~recollect~~ ~~her~~ ~~given~~ ~~name~~

Q ~~When~~ ~~did~~ ~~they~~ ~~live~~ ~~there~~? A Yes sir. They kept house there?

Q About when did they leave there? A About 30 years ago I would say as near as I can get at it.—hold on, it has not been that long, not more than 17 years.

(By Smith)

Q All you know about it is that you knew some colored man named Lige Tannon that lived in Kansas? A Yes sir in Ottawa Kansas.

Q You dont know that that is the same man who has applied here or not? A No sir.

Q The one you knew was not there all the time? A No sir.

Q He was there " off and on " as you call it? A Yes sir.

Q The beginning of your acquaintance with him was at what date? A '68 or '70.

(By Davenport)

Q You haven't met him since you came down here? A No sir I haven't, the Lige Tannon I knew was a well digger.

Q You ~~never~~ never knew a man there named Elijah Watie? A No sir.

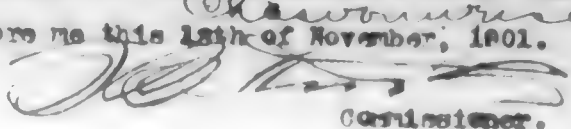
(Stenographer's note)

Commissioner Needles, having been taken suddenly ill, the following judgment is rendered by Commissioner Breckinridge.

Com'r Breckinridge— A set of the testimony just taken in Cherokee Freedman docket B-949 will be filed also in Cherokee Freedman case B-949

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this 12th of November, 1901.


Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 22, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of LESLIE BELL as a Cherokee Freedman.

Appearances:

W. W. Hastings and L. B. Bell, for Cherokee Nation.

ELIJAH WATIE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A Elijah Watie.

Q Age? A About sixty.

Q Post office? A Chelsea.

Q Are you related to Leslie Bell, who is an applicant for enrollment as a Cherokee Freedman? A Yes sir, he is my son, he is the son of Mary Bell.

Q Son of Mary Bell or Mary Watie? A Mary Watie. Always call them by the master's name.

Q Was Leslie born after the war? A Yes sir.

Q Where was he born? A He was born in Kansas, I believe. I wasn't with them when none of them was born.

Q How long has Leslie lived in the Cherokee Nation?

A All his life, ever since he was a little bit of a boy.

Q Did Leslie ever live in Kansas? A Yes sir, he went there a while to school.

Q When did he come down from Kansas? A He come with his whole Spence and his mother, I think, the next year after that, I think that's the time that he came.

Q When was that? A That was about '67, maybe the winter of '67, maybe that might have been, I don't know.

Q How old is Leslie? A Leslie is about, I guess about thirty-four years old. I think he is that old, maybe older. I think he is about thirty-four years old, or maybe older, but I don't think he is any older than that.

Q How many years has he lived in the Cherokee Nation continuously?

A Ever since he was that age. He came here with his mother, and he stayed here, and he has been here ever since. This is his home. He makes his home with me only when he runs around. When he comes in he stays at my house until he gets tired, then goes again, then when he runs out of money he is back at home with me.

Q What is the longest time he has ever been out of the Cherokee Nation? A Not five months, not three months, Leslie aint, but the other one has. The longest time Leslie has been out of here has been about six or eight weeks.

Q Was Leslie ever married? A No sir. About six weeks is the longest time, I think. Now Will has been out three months, that's right.

Q Has he made his home with you in the Cherokee Nation? A Yes sir.

Q For the last twenty years? A Yes sir.

MR. HASTINGS: Is this your son? A Yes sir, believed to be.

Q His name isn't Will, is it? A No sir, Will is dead.

Q You just testified that the only two children you had by this woman were Will and Granville? A That's right, but I wasn't thinking of Leslie.

Q Are there any others you haven't thought of? A No sir.

Q Leslie was born in Kansas? A Yes sir, I think so.

Q Born in Ottawa? A I don't know where. I think he was born in Kansas.

Q You was there until 1882? A Yes sir, but not all the time. I told you I was like a deer, here today and there tomorrow.

Q You testified in the other case you knew Harford?

A I testified so.

Q You testified you was a well digger? A I am.

Q You have got a son by the name of John Bell? A No sir, I haven't I haven't got any more children only them three.

Q When did you first move to the Cherokee Nation with your wife and these children? A I don't know, been so long I can't tell you.

Q You don't know anything but '66? A I know that positively, because I have heard it so many times.

Q About how many years ago did you move to the Cherokee Nation?

A About twenty or thirty years ago.

Q Is that as near as you can tell? A I can't tell you.

Q Give us your best judgment? A It has been so long I can't tell.

Q How did you come to the Cherokee Nation? A With a team. I don't know who that was now, if I think a while I can tell that.

Q Where did you come? A Come down here in the Cherokee Nation, I don't know.

Q What part of the Cherokee Nation? A I tried to come to Fort Gibson.

Q When you and your family moved from Ottawa here?

A She went on Grand River.

Q When did you and her move here from Ottawa?

A She and others came, and I came along with other people.

Q When did you and your wife move here? A I am telling you.

Q When did you and your wife commence keeping house here?

A Never did keep house until lately.

Q When did you commence keeping house? A About 18 years.

Q That is when you moved from Ottawa? A That is when she came down, I think.

Q About eighteen years ago? A That is about the time we went to doing business, but then we had been living here and there.

Q You and her commenced keeping house about eighteen years ago?

A About that time.

Q Where did you first commence keeping house? A In this town.

Q In this town, Vinita? A Yes sir.

Q How long did you stay in Vinita? A I don't know, a couple of years, I reckon.

Q Where did you go to from here? A Went over here to Chelsea.

Q Out north of Chelsea about two miles? A Yes sir.

Q That was about eighteen years ago? A I guess it was.

Q Did your wife come from Ottawa here? A Yessir, I think she did.

Q How long had her not been dead then? A About five or six months.

Q She lived with her mother there until she died? A Yes sir, she went there.

Q Did she ask you - she lived with her mother there until she died?

A She did. I would like to tell, though. You have asked me over these things, and I would like to make a statement. She came down here with her uncle Spence and another man, I have forgotten, hunting for Mr. Bell and her young masters. She couldn't find them, she found out they were dead. Then that spring or summer, somewhere along about in June, probably, somewhere along in there, her mother took down sick, and she got word and she went back and stayed with her mother until she died. Then she returned back here with her uncle Spence, and went to work for Mr. Lewis Kell.

Q According to your statement, her mother died about eighteen years, about five or six months before eighteen years ago?
 A I don't mean that. I guess she has been dead before you was born.
 Q Didn't you say your wife came down here and lived with you about eighteen years ago? A Yes sir.
 Q Didn't you say her mother had been dead about five or six months.
 A If I did I made a mistake, it had been eight or ten years before that.
 Q That would make her mother to be dead about twenty-eight years ago
 A That's about right, I reckon.
 Q Her mother died about six or seven years after the war?
 A Yessir, I guess so.
 Q She died at Ottawa? A Yes sir, I don't know just how long it has been.
 Q The first time you and your wife kept house in the Cherokee Nation was about eighteen years ago, here in Vinita? A It is longer than that, I reckon, it might have been that.
 Q There was a town here to bring her to? A Yes sir. And now I want to make a statement on the part of myself, if I am allowed. At the beginning of the war that settlement was made at Nowata. In the beginning of the war, I guess about there, I guess before the war, I lived with the Tinnons in Arkansas. At the beginning of the war one Bill Tinnon, the brother of Jim Tinnon, takes me from home and brings me into this Nation and puts me in the hands of Stan Watie, and I lived with Stan Watie until I was free, and then this man that brought me here went to Texas, put me in the hands of Stan Watie during the time. I haven't seen them until now. He put me in the hands of Stan Watie, and therefore I call myself a Cherokee. I was put in the hands of him, and I am before you to tell the truth.
 Q That was after the war? A Near the beginning of the war.
 Q They was raising the army? A Yes sir, they put me in here with Mr. Stan Watie, and I stayed until I was free. I didn't know I was free until they came around reading them papers. This was the only home I knew.
 Q Where did you live before the war? A In Arkansas.
 Q Tinnon was a white man? A Tinnon was a white man. I haven't seen one of them from that time to this. That is why I count myself a Cherokee nigger.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

Wm. Hutchinson

Subscribed and sworn to before me this 14th day of October, 1903.

Charles W. Sawyer
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Granville Bell et al., for enrollment as Cherokee freedmen, consolidating the applications of:

Granville Bell
Leslie Bell

Cherokee Freedmen D 920
Cherokee Freedmen D 949

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Lige Watie for Granville Watie and by Leslie Bell for himself. Further proceedings were had in the matter of said applications on September 22, 1903, at Vinita, Indian Territory. A copy of the testimony of Lige Watie and others, taken at Nowata, Indian Territory, June 26, 1901, and at Vinita, Indian Territory, October 2, 3, and 7, 1901, in Cherokee freedmen D 921, is filed herewith and made a part of the record in this case.

The evidence shows that Granville Watie is known by the name of Granville Bell, under which last mentioned name he will be considered in this decision. It appears that he was in jail at Independence, Kansas, when the application for him was made.

The evidence further shows that the applicants, Granville Bell and Leslie Bell, were born since 1866, and are the children of and claim their rights to enrollment through their mother, Mary Bell, their father, Lige Watie (Cherokee freedmen D-921), having been found by this Commission to possess no rights to enrollment as a Cherokee freedman; that the said Mary Bell was the slave of a Cherokee citizen at the commencement of the rebellion and during said rebellion she left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

Neither of the applicants herein nor their mother through whom they claim, is identified upon the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application of Granville Bell and Lealie Bell for enrollment as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 26, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tame Dixby.

Chairman.

T. B. Needles.

Commissioner.

C. H. Brockenridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904

10949

FILED
MAR 24 1902

[Signature]
NEWARK, N. J.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Leslie Fell,

Chelsea, I. T.

Cherokee F-D-949

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 29 1901



ACTING CHAIRMAN.

141-15

Q

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

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11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Stenographer

On Wallace roll, P. 182 #3340 - Lesley Bell

f 18921

COMMISSIONERS
TAMM BERRY,
THOMAS B. NEEDERS,
C. R. BRECKINRIDGE,
W. F. STANLEY

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
D-949.

Muskogee, Indian Territory, September 9, 1903.

Leslie Bell,

Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation; whether or not your mother, Mary Bell, was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-120

D-140

Muskogee, Indian Territory, July 28, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Leslie Bell, et al., rejecting the applications for the enrollment of Leslie and Granville Bell as Cherokee freedmen.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Encl. S-164.

T. B. Needles.
Commissioner in Charge.

COPY.

Cherokee Freedmen

D-620 D-649.

Muskogee, Indian Territory, July 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated case of Leslie Bell, et al., including the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Leslie and Granville Bell.

Respectfully,

T. B. Noddies.
Commissioner in Charge.

Incl. 8-165.

Through the

Commissioner of Indian Affairs.

mdg
Cherokee Freedmen

D-949.

Muskogee, Indian Territory, July 28, 1904.

Leslie Bell,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 23, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Commissioner in Charge.

Encl. S-161.

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Land.
52166-1904.

WASHINGTON,

September 6, 1904

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated July 28, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Lige Watie for Granville Bell and by Leslie Bell for himself, the application for Granville Bell being made by Lige Watie for the reason that Granville Bell was in prison at Independence, Kansas.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that the applicant, Lige Watie, Lige Waite, Elijah Watie, Elijah Tinnon or Elijah Waite, as indifferently named in the record, was the slave of a citizen of the State of Arkansas and claims to be the father of Granville and Leslie Bell and that the mother, Mary Bell was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Mary Bell left the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867.

The applicants, Granville and Leslie Bell were born since 1866 and possess no right to enrollment except such as their mother may have had. Granville Bell is identified only on the Wallace roll and Leslie Bell is found on on the Kern- Clifton and Wallace rolls. Their names are not found on the 1880 authenticated Cherokee roll.

In view of the record, the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones,
Commissioner.

MM: LM

(C O P Y)

DEPARTMENT OF THE INTERIOR,

W.C.F.
LLB.
J.P.

D.C. 36486-1904
I.T.D.-7194-1904.

WASHINGTON.

September 16, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On July 28, 1904, you transmitted the record in the matter of the consolidated Cherokee enrollment case of Leslie Bell et al., including your decision of July 23, 1904, rejecting the application for the enrollment of Leslie and Granville Bell.

Reporting September 6, 1904, the Commissioner of Indian Affairs recommends that your decision be approved.

The Department concurs in said recommendation and your decision is affirmed.

Copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure .

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. B. BRIDGEMAN,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chickasaw

REFER TO REPLY TO THE FOLLOWING:
Cherokee Freedmen
D 940

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 6, 1904.

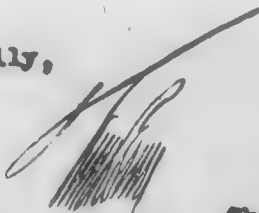
Leslie Bell,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,



Chairman.

COPY.

Cherokee Freedman
D-949.

Muskogee, Indian Territory, February 12, 1905.

Leslie Bell,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 2, 1905, asking to be advised as to the status of your application for enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision dated July 23, 1904, rejecting your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 16, 1904, of which you were duly notified by letter on October 6, 1904.

Respectfully,

(SIGNED). *Tams Dixby.*
Chairman.

COPY.

Cherokee Freedman
-D-949.

Muskogee, Indian Territory, February 20, 1905.

Leslie Bell,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 15, 1905, relative to your enrollment as a Cherokee Freedman.

In reply, you are advised that the Commission's decision, dated July 23, 1904, rejecting your application for enrollment as a Cherokee Freedman was approved by the Secretary of the Interior on September 16, 1904, of which action you were notified by letter on October 6, 1904.

You are further advised that this Commission is without authority to take further action in this case.

Respectfully,

(S)

Tamc Bixby.
Chairman.

NOTED IN REPLY TO THE FOLLOWING.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 12, 1906.

Leslie Bell,

Nowata, Indian Territory.

Dear Sir:

In reply to your letter of December 15, you are advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1904, rejecting your application for enrollment as a Cherokee freedman was approved by the Secretary of the Interior on September 16, 1904. The action of the Interior Department is final.

Respectfully,

LS


Commissioner.

General Office - Cherokee, Ind.

Relative to application for enrollment
as Cherokee Freedman

Leslie Bell

Cherokee Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

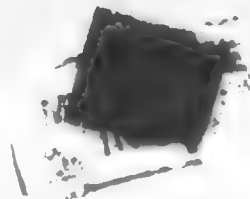
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



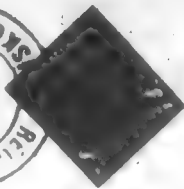
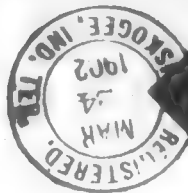
REGISTERED
AUG 1 1904
MUSKOGEE, IND. TER.



~~Isabel Bell,~~

~~Cherokee, Indian Territory~~

Reg# 657
65



Department of the Interior.

Commission to the Five Civilized Tribes.

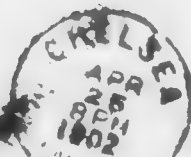
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mrs. Leslie Bell,

Chelsea, Indian Territory.



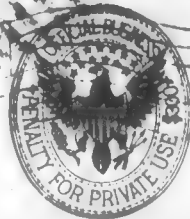
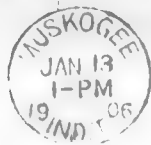
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

F-949

RETURNED TO WRITER.



Leslie Bell,

UNCLAIMED Indian Territory.

NOW
FEB
12
1906
IA

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCOE, IND. TER.



Leslie Bell,

Chelsea, Indian Territory.

General Office

Enclosed

6.116 X 6.3

Cher. Fr. R 785

Cher. Fr. R 785

Nos. 2 and 6 Trans. from Cher. F. D 990

RECEIVED
JUL 11 1901

RECEIVED
JUL 11 1901

RECEIVED
JUL 11 1901

To be filed with the case of George West, C. F. D. 222.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July, 1st 1901.

In the matter of the application of Houston West for the enrollment of himself and five children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Houston West.
Q What is your age? A. 47.
Q What ~~district do you live in~~ is your post office address? A. Muldrow, I. T.
Q In what district do you live? A. Sequoyah district.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Five children.
Q What are their names? A. Ida West.
Q How old? A. 12 years.
Q Next? A. Nancy.
Q How old? A. 17 years.
Q Next? A. Fannie.
Q How old? A. 15.
Q Next? A. Georgia.
Q How old? A. 15.
Q Next? A. William.
Q How old? A. 9 years.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir the Kern Clifton and Wallace rolls.
Q Are you married? A I have been, am not now.
Q Is your wife living? A. The mother of these children is not living.
Q What was her name? A. Lissie Albert when I married her.
Q When were you married to her? A. In '79.
Q Why is your name not on the roll of 1880? A I have always tried to get it on.
Q You have failed though? A. Yes sir.
Q Is your wife a citizen? A. Yes sir.

Kern Clifton roll examined and the name of the applicants found as follows:

page 111	No 2755	Houston West,	Illinois district
page 111	No 2765	Ida West	"
page 111	No 2766	Nancy West	"
page 111	No 2767	Fannie West	"
page 111	No 2768	Georgia West	"
page 111	No 2770	Willie West	"

Wallace roll examined and the name of the applicant found as follows:

page 147	No 3066	Houston West,	Sequoyah district.
page 147	No 3069	Ida West.	"

- Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Walk Mayfield.
Q Was he a Cherokee citizen? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Texas.
Q When did you return? A. In '66.
Q What time in '66? A It was in the winter.
Q Were you married then? A. No sir.
Q Have you lived in the Cherokee Nation continuously since then? A Yes sir.
Q Were these children born here? A Yes sir.
Q And have they lived here all the time? A Yes sir.
Q Have you any proof of your marriage to your wife Lissie? A. Yes sir
Q A marriage certificate? A No sir.
By L. B. Bell, Cherokee representative-
Q Who was your father? A. Henry West.
Q And your mother? A. Phoebe

- Q And you belonged to the Mayfields? A. Yes sir.
Q Where were you living when the war commenced? A. On the old Blackburn place in Sequoyah.
Q When did you go to Texas? A. The second year of the war.
Q Where did you stop at there? A. At the old Mayfield place near Bellville Texas.
Q Did your father belong to Walk Mayfield at the beginning of the war? A Yes sir.
Q When did you return here? A. In '66.
Q Who with? A. Walk Mayfield and his family.
Q What was his wife's name? A Jane Blackburn before he married her
Q What ever became of your father? A. He died.
Q Is your mother alive? A. No sir.
Q Just you and Walk's family came together? A That is all.
By the Commission-
Q When did your father die? A. In '85 or '4
Q When did your mother die? A. She died before he did.
Q Your father and mother are not on the roll of 1880? A. No sir but I have a sister ~~that~~ on the 1880 roll.
Q What is her name? A. Mary Whitmire.
Q Is she married now? A Yes sir.
Q Did she go to Texas with you? A. Yes sir.
Q And did she return with you? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's sister found as follows:
page 788 No 1399, Mary Whitmire, Sequoyah district

- Q You say this is your full sister? A Yes sir.
Q Same father and mother? A. Yes sir.

HARRISON FOREMAN called and sworn as a witness for the applicant-

- Q What is your name? A Harrison Foreman.
Q What is your age? A. 48.
Q What is your post office address? A. Gatoosa.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q A freedman? A. Yes sir.
Q Do you know the applicant? A. Yes sir.
Q How long since you known him? A. Since the war.
Q Was he a slave? A. Yes sir that is what I hear.
Q When did you first see the applicant after the war? A. I cant be positive as to the exact time, in '66 I believe.
Q Where? A. I was the ferryman at Fort Smith and I ferried him over the river.
Q Who was with him? A. Walk Mayfield and his family and the applicant's father and mother
Q And you think it was in '66? A Yes sir.
Q Has he lived in the Cherokee Nation since '66? A Yes sir.
By Bell-
Q What time of the year was that? A. I dont know if it was in November or December, but along there.
Q Walk Mayfield was his former owner? A Yes sir.
Q Is Walk living? A. No sir.

DENNIS BEAN called and sworn as a witness for the applicant-

- Q What is your name? A. Dannie Bean.
Q What is your age? A. 42.
Q What is your post office address? A. Muldrow.
Q Are you a Cherokee freedman? A. Yes sir.
Q Do you know the applicant? A. Yes sir.
Q How long have you known him? A. Ever since—I think it was the fall of '66.
Q Was he a slave? A. Yes sir.
Q Who owned him? A. Walk Mayfield.
Q Did this applicant go out during the war? A I guess they did.

Q When did you first see him after the war? A. They was coming through making their way up by where I lived in '66, I lived on the bank of the Arkansas this side of Fort Smith.

Q Who was with this applicant then? A. His father and mother and two sisters I think a man named Tyn Marriage and a woman named Aggie and Dave West.

Q Was Walk Mayfield with him? A. Yes sir that was his owner.

Q Has this applicant lived here ever since? A. Yes sir.

By Bell-

Q Where were you living then? A. On this side of the river on the place that belonged to Menerva Thornton. The house is owned in now.

Q Was that the old George Johnson house? A. No sir that was below us.

By the Commission-

Q You are positive that you are correct as to these dates? A. Yes sir.

Q What circumstance makes you think it was in '66? A. Because they was all harping about the '66 treaty then.

ALBERT JOHNSON called and sworn as a witness for the applicant;

Q What is your name? A. Albert Johnson.

Q What is your post office address? A. Benge.

Q What is your age? A. 43.

Q Do you know the applicant? A. I do.

Q How long have you known him? A. Ever since I was a boy.

Q Was he a slave? A. I guess he was, he was with Walk Mayfield.

Q Did he go out of the Cherokee Nation during the war? A. Must have, he came back.

Q How do you know he came back? A. Moved on the Lilly Starr place in the fall of '66.

Q Where is that? A. This side of the Arkansas river.

Q Who was with him? A. His mother and father.

Q Have you known him ever since that time? A. Yes sir.

Q Are you sure that it was in '66? A. As my memory serves me it was '66.

Q You was here yourself then? A. Yes sir.

By Bell-

Q Who was with him, was Walk Mayfield with him? A. Yes sir.

By the Commission

Q Was Walk Mayfield a Cherokee citizen? A. ~~See was~~. Said to be.

Q Do you know this applicant's wife? A. Yes sir.

Q Do you know they were married? A. Yes sir.

Q Was you there when they married? A. Yes sir.

Q And saw them married? A. Yes sir.

Q Who married? A. Jenkins.

Q What was her name when she married him? A. I dont know now.

Q Where were they married? A. At the Fox place.

Q Have they lived together since then continuously as man and wife? A. Yes sir.

Q And raised a family? A. Yes sir.

By Com'r Needles,-

Houston West applies for himself and five children, Ida, Nancy, Fannie, Georgia and Willia, West; he cannot be identified on the authenticated roll of 1880 or the census roll of 1896; he is identified on the Kern Clifton roll and the Wallace roll according to the page and number of the rolls as indicated in the testimony; he avers that he was the slave of Walk Mayfield, that he was taken out of the Cherokee Nation during the war and returned in 1866 with his master Walk Mayfield and offers evidence to establish that fact. He makes satisfactory proof of his marriage to Lizzie Albert now deceased, who is the mother of his children; all of his children are identified on the Kern Clifton roll; he avers that he is the full brother of Mary Whitwire, they having the same father and mother; that she is now married and enrolled on the authenticated roll of 1880; he avers that she returned to the Cherokee Nation with him at the same time as his father and mother and the balance of the family; the evidence so far presented is sufficient to entitle the petitioner to enrollment in the roll of 1880.

to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee freedmen, but now comes the Cherokee Nation and contests the enrollment averring that they have witnesses with which to rebut the evidence now given; consequently the said Houston West and his five children will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decision is arrived at he will be notified by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and complete transcript of his notes therein.

Subscribed and sworn to before me this 3rd of August, 1901.

W.D. Green
Notary Public.

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C.F. D-990, George West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Houston West for enrollment
as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:

Applicant not present:

W. F. Hastings, of counsel for Cherokee Nation.

Commissioner: Attorneys for Cherokee Nation make proof of
service of notice that they will introduce testimony in this
case on September 4, 1901.

W. F. HARNAGE, being duly sworn by Commissioner Needles, tes-
tified as follows:

- Q What is your name? A W. F. Harnage.
Q What is your postoffice? A Tahlequah.
Q What is your age? A About 33.
Q You a Cherokee citizen by blood? A Yes, sir.
Q I believe you made a statement that you returned here in December
of 1866, after the war? A Yes, sir.
Q To what part of the Cherokee Nation did you come? A Sequoyah
district.
Q How far did you locate from Fort Smith? A Just across the river,
about half a mile from the line.
Q What relation are you to Zeke Harnage? A Half brother.
Q Is he older or younger than you? A He is older.
Q Did you know Walker Mayfield? A Yes, sir.
Q What relation is he to you? A He is my uncle.
Q How long did you continue to remain down there in Sequoyah dis-
trict immediately after you came? A I stayed there in the bottom
until after Christmas, then I went up to Flint.
Q You stayed there until after Christmas of '66? A Yes, sir.
Q About the first of January? A About the first of January some-
time.
Q Now did your uncle Walker Mayfield return when you lived there?
A No, sir.
Q Now how long did you remain up in Flint? A I stayed up there
till about the middle of April and went back down in the bottom.
Q And when you came back had he returned then? A Yes, sir, he was
there then when I went back to the bottom.
Q That was in April of what year? A '67.
Q But when you left there after Christmas of '66, about January,
he hadn't come? A No, sir, he hadn't come in, we left him in Texas
in the fall of '66.
Q You left him there? A Yes, sir.
Q Had he made a crop there in Texas that year? A Yes, sir.
Q You know what kind of a crop, cotton and corn? A Corn and
cotton.
Q Well, how far did he locate from your place and from the place
that you had stopped when you returned there in April of '67?
A About five miles.
Q He was your uncle? A Yes, sir.
Commissioner: He came there you say in April, '67? A I came
back to the bottom in April '67 and he was there when I came.
Q Walker Mayfield was? A Yes, sir.
Q You know when he came there? A No, sir, he came after I left.
I left the bottom in January, '67, and went up to my uncle's in Flint

and stayed there till April.

Q And he wasn't there when you left? A No, sir, but when I got back there, he was there.

Q What brings it to your memory that it was in '67? A Because it was in '66 when we came there, in the fall, and I stayed there till that Christmas.

Q You are positive of that? A Yes, sir, and after Christmas I went to Flint.

Q Couldn't have Walker Mayfield come to the Cherokee Nation before that date; you don't know when he actually did come, do you?

A No, sir, he wasn't there when I left.

Q He wasn't, you mean, on this place? A No, sir.

Q But you don't know whether he was in any other part of the Cherokee Nation when you left? A No, sir, I don't know whether he was.

Q The first time you saw him was in April, '67? A Yes, sir.

Mr. Hastings: I believe you stated you left him in Texas when you came up here? A Yes, sir, we left him in Texas when we started.

Commissioner: When was that? A In December, in November, '66.

Q He was living there then? A Yes, sir.

Q Did he bring his old slaves with him when he came back?

A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q When did you first see Houston West? A I saw them all together at that time.

Q Was Houston West in Texas when you left there? A Yes, sir.

Q Living on Mayfield's farm? A Yes, sir.

Q They made a crop there? A Yes, sir.

Q What kind of crop? A Corn and cotton.

EZEKIEL HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Ezekiel Harnage.

Q What is your postoffice? A Foyil.

Q What is your age? A 59 years old.

Q You are a Cherokee citizen? A Yes, sir.

Q You were in Texas when the war closed, were you? A Yes, sir.

Q Now when did you return to the Cherokee Nation? A I came back on the 16th day of December, 1866.

Q Now to what part of the Cherokee Nation did you come? A Sequoyah District.

Q What relation were you to Walk Mayfield? A He was my second cousin; he was a first cousin of my mother's.

Q You and this other witness are half brothers? A Yes, sir.

Q Different mothers? A Yes, sir.

Q Now you came back, I believe you say, to Sequoyah District?

A Yes, sir.

Q Now you know Walk Mayfield, do you? A Oh yes.

Q Did you see him in Texas? A Yes, I saw him in Texas.

Q How far did you live from him down there, or did he from you?

A About a couple of miles, or hardly that far.

Q Did you leave him, or he leave you there? A I left him there.

Q You moved up there in Sequoyah about December 16, 1866?

A Yes, sir.

Q Now what time did Walk Mayfield come to the Cherokee Nation?

A To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867.

Q Did he bring his slaves with him? A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q He had some boys, Houston, Callis and George? A Yes, sir.

Q Did you continue to reside there in Sequoyah District from December 16 up until the following April, March or April?

A Oh yes, I was there all the while.

Q About how far did Walk Mayfield locate from you when he came?

A I guess it was four miles and a half, or five.

Commissioner: Did you know Houston West? A Yes, I knew them boys.

Q Did he have a sister named Mary? A I don't know anything about the girls.

Q Well, Houston West was a slave of Walk Mayfield? A Yes.

Q When did you first see Houston, after the war? A I saw him after the war, after Mayfield came back to the Nation.

Q With Mayfield's family? A Yes, sir.

Q Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867? A I am positive of it.

Q Is he living? A No, he is dead.

Q His wife living? A No, she is dead.

Q What fact fixes the date of Mayfield's return in your mind?

A The fact of the business is, the fact that fixes it in my mind was about going to work to make a crop.

Q Well, as to the year? A Oh, I know when I moved, and Walk Mayfield came the next spring like.

Q You know that you came in '66? A I know that, I am positive of the fact.

Q Where were you living in '65? A In Texas.

D. M. FALKNER, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A D. M. Falkner.

Q What is your age, Mr. Falkner? A I am about 60.

Q What is your postoffice address? A Hanson, Indian Territory.

Q You a Cherokee by blood? A Yes, sir.

Q Mr. Falkner, you have been married, I believe, the second time?

A Yes, sir.

Q What was your first wife's name? A Her name was Rachel L. Adair.

Q That was her maiden name? A Yes, sir.

Q Was she any relation to Walker Mayfield? A Yes, sir, she claimed that Mayfield was her uncle.

Q Did you know Walk Mayfield yourself? A Yes, sir.

Q Where were you living in the year of '66 and the spring of '67?

A I was living in Sogoyah district, Cherokee Nation.

Q Did you know Walk Mayfield before the war? A Yes, sir.

Q When did Walk Mayfield return to the Cherokee Nation after the war? A Well, he returned about the first week of April, 1867.

Q Now Mr. Falkner, tell the commission why you fix that time, all the circumstances? A Well, this young lady that I spoke of —

Q That you afterwards married? A Yes; she was boarding with my sister, teaching school, and the news come that her uncle had come home from Texas, just from Texas, and I went with her over there, that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in.

Q Well, how far was it that you had to go? A Four miles, and then I went with her over there, and the reason why I am so positive about it, he and her was married about ten or fifteen days after that; that is, this young lady.

Q Your first wife? A Yes, my first wife.

Q Rachel L. Adair? A Yes, sir, and I have got it in the bible at home, my marriage; we were married about a week or fifteen days after he come, and I think it is dated on the 17th of April, or the 27th of April, when we and her were married, and just a few days before that is when he and her went over there.

Q That is her uncle, Walk Mayfield? A Yes, sir.

Q You had heard of him coming these four miles here, and you went over there to see him, and they had just come in? A That is what they claimed, they had just come in.

Q You hadn't heard of him before that? A No, sir.

Q Did they have some slaves, colored people, with them?

A Yes, sir, they had some there, of course I wasn't acquainted with the slaves, but there was an old man named Henry West, and I have known him ever since; they claimed he had brought in his slaves, and that old man was all I seen.

Q Had they unloaded the wagons when you got there? A There was a covered wagon standing there at the house when we got there.

Commissioner: What year were you first married, Mr. Falkner?

A It was in April, '87.

Q You are positive of that? A Yes, sir, I have got it in the bible at home.

Q You didn't know Henry West, a slave? A No, sir, I didn't know him, they told me then was his darkies, all I know.

Q You don't know of Walker Mayfield coming into the Territory before that time at some other point? A No, sir, that is the only time I heard about it, and I lived by him before the war.

Mr. Hastings: Your first wife is dead? A Yes, sir, she is dead.

Commissioner: Walker Mayfield dead? A Yes, sir.

Q His wife dead? A Yes, sir.

Q Any of his children living? A Well, I don't know, no, sir, all dead; he had three boys and they are all dead.

Q How far is this Walker Mayfield place, where he came to, from the Cherokee line? A It is about four miles and a half, or five; they crossed there at Fort Smith I suppose, to go to that place.

Q Four or five miles from that place to Fort Smith? A Yes, sir.

Q Coming from Texas then that would be the first place they would strike in the Territory? A Yes, sir.

Q There is where they all crossed? A Yes, sir.

Q Were you down in Texas? A No, sir, I was at Skulleyville, across the river there, in '65 and '66; '66 I moved over with my sister.

Commissioner: This testimony will be made part of the record in the cases of Callis West, D-1000, and George West, D-990.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 6th of September, 1901.

C. R. Bredin

Commissioner.

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Subscribed and sworn to before me this 20th day of Aug.

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Commissioner, as the same are copied by me.
In a true and correct copy of the original now on file with me.
The original is deposited on file, after which the above was returned.
I: August 20, 1900, a statement of the Commissioner as to

P. D-889.

To be filed with U. P. D. 990, George West et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 23, 1902.

In the matter of the application of Houston West for the
the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-839.

APPEARANCES:

A. S. McRae for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled, Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of the book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.
Decided against claimant June 15, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chambers Court, on June 12, 1871, as shown from the citizenship record, No. 1, page 9, in the case of Henry West vs. the Cherokee Nation, the same being signed by John Chambers, President of the Commission, G. P. Brewer, George Downing, Commissioners, countersigned D. L. Nicholson, Clerk of Commission, as follows:

Henry West)	Claim of Citizenship. Before the
"No. 1. vs.)	Commission on Citizenship, sitting at
Cherokee Nation.)	Tahlequah, C. N. June 12th, 1871

This case, comes under that class of cases, of which the Commission have jurisdiction under act of Dec. 1877, claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in time, that is, within six months after the ratification of the treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The Court find that the only testimony on that point, is the statement of Walter Hayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the court to the time mentioned in the amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said treaty is concerned, which places it, on the 19th day of July 1866: and hence claimant's return

in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the Commission, and consequently they decide that said claimant is an intruder, on the Public Domain of the Cherokee Nation.

Attest:

D. L. Nicholson,
Clerk Court.

John Chambers,
President Commission.
O. P. Hester)
George Downing,) Commrs."

Attention is called to the fact that at the head of the decision, dated June 12, 18-, that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the page following this decision, the same being that of Crill Miller vs. the Cherokee Nation, is dated June 12, 1878.

MR. MCRAE: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in his case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and subsequently would have no bearing as to the rights and the status of those applicants. It would further appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and was owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, they being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. V. Hastings, being first duly sworn, testified as follows:

MR. MCRAE: Your name? A W. V. Hastings.

Q Age and postoffice address? A I am 35 years old and postoffice is Tallapoosa.

Q Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? A By an act of the Cherokee National Council, so I am informed and the records show.

Q I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged Commissions on citizenship, if when the Commission has exercised its duty as regards the same, that before the same can become a law, either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A Well

I haven't that law before me, but I have no doubt from the evidence that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.

Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective Commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except--there weren't any submitted to the National Council except, so far as I know, except some in 1871; none of those later Commission, they had full authority to investigate and and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.

Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.

Q The Chambers Commission? A Yes, sir. Well I was stating my judgment of the law, I wasn't there, you know; never practised before it.

Q How about the Commission of 1871, known as--what's the name of that Commission? A Well, in 1869 an Act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until some in 1871, I don't remember the exact date, but under that class of cases, and under that act, my recollection was that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did; don't recall any.

Q Who was the president of the Commission of 1871, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. B. Daniels was Chief Justice in 1871. John S. Vann was along about the time, I don't know how just when he went in or out.

Q Who was the member of the Commission appointed to hear citizens who made application in '71? A This book shows that R. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.

Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of Doubtful Cases for Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. MORAN: What is your name? A My name?

Q Yes, sir? A Thomas A. Williams.

Q Your age? A I am 61, going on 62.

Q Postoffice address? A Muldrow, Indian Territory, Sequoyah District.

Q Mr. Williams, are you acquainted with Houston West and brothers?

A Yes, sir, I am acquainted with Houston and especially acquainted with Collins West.

Q How long have you known him? A Well, sir, in 1868 I had a bunch mules, myself and Crosby, and we was keeping them on Camp Creek there right below old Fort Watauga, and some time in the early part of the winter perhaps, just before Christmas, two or three or four days, Walk Mayfield brought the family back there, they were slaves.

Q Who was Walk Mayfield? A Walk Mayfield. That was a Cherokee I took him to be.

Q Where was he when you saw him in '68? A I saw them and camped just about about, when they first came there they came just above where the bridge is.

Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was growing there with the mules.

Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee Nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a crop, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.

Q Were you acquainted with the father and not one of these boys? A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.

Q You are positive that it was some time in the month of December, '68? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.

Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of mules we had, taking them over.

Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '68? A Yes, sir to the best of my knowledge their family has lived and remained right there.

Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.

Q And you say that your knowledge and acquaintance with Callie is of a very intimate nature? A Yes, sir.

Q And character? A Yes, sir, he a truthful, honest, straight, upright man so far as I know.

Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.

MR. HASTINGS: When did you draw money? A I think it was in '79 and maybe '82, the record shows. Daves Commission found me on the record, and you can find me there very easy.

Q Don't you know that they didn't pay out any money either in '79 or in '82 to anybody in the Cherokee Nation, and the records will show it? A Well, I don't remember the exact year, but it was along there somewhere, I drew in Tahlequah and I drew in Vinita.

Q Do you remember more about when you saw Callie West than you do when you drew money yourself? A I made no minute of that.

Q Well did you make any minute of seeing him? A I made a minute of some cows that he had got in.

Q Some cows? A They made some record, that I remember very well.

Q What's Callie's wife's name? A I don't know both which, his first wife.

Q Yes, sir. A I don't remember what his first wife's name was.

Q How many children did he have when you first saw him? A Why he didn't have any one.

Q Did he have a wife? A No, sir, wasn't no wife.

Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.

Q Don't have any idea about that? A No, I couldn't think anything about it.

Q With whom were you living when you first saw him? A I was living with myself.

Q Where? A Why I was going from Fort Smith to Jemie Lind and around; we had a bunch of cattle, they were scattered, and he had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.

Q Who owned them? A He and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.

Q He isn't alive now? A No, sir, he's dead now.

Q Did you know any other Cherokees over there in '66? A Why I think I did, Uncle Billie Wilson.

Q He's dead too? A Yes, sir.

Q Was he there in '66? A He was quartered there in '66 I think.

Q Now, Mr. Williams, Walker Hayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Hayfield swore.

Q Well do you say that isn't true?

MR. MORAE: You say that Walker Hayfield has testified to that in this case?

MR. HASTINGS: No, I say he has testified and the record shows.

MR. MORAE: This record?

MR. HASTINGS: Yes, sir.

MR. MORAE: This judgment just offered here?

MR. HASTINGS: Yes, sir.

Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Hayfield here. Whether he went back into the state and come back again into the Nation I don't know.

Q Mrs. D. H. Faulkner swore in '96 that her uncle, Walker Hayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to see him.

Do you say now that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before Christmas that we drove our rules over, and the family was certainly there; to the best of my recollection it was just before Christmas.

Q D. H. Faulkner, who lives at Hanson, swears that Walker Hayfield, who was his wife's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Hayfield when I came back from Texas.

Q Did you see him before the war? A I had seen him a few times.

Q Where did he live? A He lived right close to where the railroad runs now.

Q Did you see him there? A Not him in Fort Smith, and I have seen him over in the Nation.

Q In the Nation before the war? A Yes, sir, I was all through that country before the war.

Q Now Waller Hayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.
Q Did you ever leave the Cherokee Nation before the war? A I had a horse, a solid horse, in the Cherokee Nation before the war as a hunter of foot.
Q Well now where did you keep those cattle in the Cherokee Nation in '68? A We bought some cattle in the Cherokee Nation.
Q Well where did you keep them then? A I just bought them and let them run until we could not drive them out.
Q Then they were just scattered on the range? A Scattered all around, they were all over there, and I bought some from a woman by the name of Price.
Q Where did they live? A Somewhere on Camp Creek.
Q You have just now been rejected by the Commission as an applicant for citizenship, haven't you? A Yes, sir, I don't care anything about the rejection. I would rather be a white man than a Cherokee so far as my preference is concerned.
Q Well you have got your preference? A I have got it, too. The young clerk here, I like him splendid for giving me my preference.
Q Well you just answer my questions. Now you are willing to swear as against these other people that the family came back there just before Christmas, '68? A To the best of my knowledge.
Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear, to the best of my recollection.

MR. MCRAE: You have knowledge of years, haven't you? A It seems to me like I ought to have; I was born in '41, and I was a United States soldier, and I ought to have been old enough to have some knowledge of things. I wouldn't story for Callis West to get into the Cherokee Nation.

Q Well you aren't any more likely to be mistaken in your statement than Mr. Hayfield would be in his? A No, sir.

MR. HASTINGS: But Mr. Hayfield testified in '73, only 12 years after that time.

COMMISSION: This testimony will be filed in and made a part of the record in the following freedmen cases: D-993, being that of Nancy Starr; D-996, being that of George West et al; D-1000, being that of Callis West; D-1032, being that of Eugenia Harris et al; and D-1034, being that of Callis West, and in the case at bar, D-388, the name being the case of Houston West et al. It appears from the records of the Commission that the above named applicants are all represented by A. S. McRae.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 20th day of July, 1902.

(SEAL)

(Signed) P. S. Reuter.

Notary Public.

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur C. Evans

Subscribed and sworn to before me this the 20th day of Aug., 1902.

Re Jones
Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Houston West, et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of--

Houston West, et al.,	Cherokee Freedmen D 989,
George West, et al.,	" " " D 990,
Callis West	" " " D 1000,
John West,	" " " D 1030,
Lugenia Harris, et al.,	" " " D 1032,
Callis West,	" " " D 1054.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Houston West for himself and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George, Jr., Jessie, Albertha and James West as Cherokee Freedmen and for his wife, Lizzie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lizzie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West), for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris, and by Callis West (son of Houston West), for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation; that all the other applicants herein, except Lizzie West, John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Phoebe West, or of Houston West, and, having been born since 1866, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Lugenia Harris and Janie Harris were born since 1866, and are the descendants of Bose West and Millie West; and that they acquired no greater rights as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Bose West,

or Millie West was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicants' names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 1902.

Section twenty-five of the act of Congress, approved July 1, 1902, (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West, George West, Jr., Jessie West, Albertha West, Callis West (son of Henry West), John West, Lufenia Harris, Janie Harris and Callis West (son of Houston West), as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1896 (30 Stats., 495), and it is so ordered; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

(Signed) T. B. Needles
Commissioner

(Signed) C.R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory
this Aug 5 1904.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—56,
Ella Vann,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Detson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Eider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Hartin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kinbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—206,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Chuggott,	Cherokee Freedmen D—306,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martha,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bill Davis,	Cherokee Freedmen D—333,
Samuel Brown,	Cherokee Freedmen D—345,
Howard B. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maudie Manley,	Cherokee Freedmen D—356,

George Reed, Sr.,
Buck Lodman,
Bell Thompson,
Lewis Scott,
Abu Scott,
Kessler Lambert,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Rose,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kizzie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beak,
Ellis Warren,
Milla Robinson,
Mary Webber,
Frances Martin,
Mary Biley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Dawa,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—332,
Cherokee Freedmen D—304,
Cherokee Freedmen D—411,
Cherokee Freedmen D—430,
Cherokee Freedmen D—321,
Cherokee Freedmen D—421,
Cherokee Freedmen D—422,
Cherokee Freedmen D—436,
Cherokee Freedmen D—444,
Cherokee Freedmen D—456,
Cherokee Freedmen D—473,
Cherokee Freedmen D—474,
Cherokee Freedmen D—480,
Cherokee Freedmen D—490,
Cherokee Freedmen D—493,
Cherokee Freedmen D—495,
Cherokee Freedmen D—501,
Cherokee Freedmen D—512,
Cherokee Freedmen D—513,
Cherokee Freedmen D—520,
Cherokee Freedmen D—543,
Cherokee Freedmen D—546,
Cherokee Freedmen D—549,
Cherokee Freedmen D—552,
Cherokee Freedmen D—573,
Cherokee Freedmen D—584,
Cherokee Freedmen D—589,
Cherokee Freedmen D—606,
Cherokee Freedmen D—650,
Cherokee Freedmen D—665,
Cherokee Freedmen D—677,
Cherokee Freedmen D—676,
Cherokee Freedmen D—681,
Cherokee Freedmen D—693,
Cherokee Freedmen D—696,
Cherokee Freedmen D—699,
Cherokee Freedmen D—723,
Cherokee Freedmen D—725,
Cherokee Freedmen D—730,
Cherokee Freedmen D—741,
Cherokee Freedmen D—743,
Cherokee Freedmen D—743,
Cherokee Freedmen D—753,
Cherokee Freedmen D—753,
Cherokee Freedmen D—760,

Samuel Lee Young,
John Beckman,
Willie Gentry,
Leahann Burton,
Matilda Marshall,
Charles Olaggett,
Samuel Irvin,
Mary Ross,
Maggie Navey,
Neoma Navey,
Ella Rotsy,
Elizabeth Duncan,
Sadie Adams,
Georgina Archer,
John Olaggett,
Hattie Smith,
Jack Jackson,
Lola Sanders,
George Hazelrig,
Linnie West,
Marie French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Math,
George Adams,
Annie Thomas,
Lewis McConnell,
Oellie Vann,
Lon Patney,
Ida Aches,
Robert Brown,
Allie Chambers,
Irene Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—741,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—793,
Cherokee Freedmen D—797,
Cherokee Freedmen D—806,
Cherokee Freedmen D—816,
Cherokee Freedmen D—846,
Cherokee Freedmen D—874,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—913,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—978,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1104,
Cherokee Freedmen R—32,
Cherokee Freedmen R—44,
Cherokee Freedmen R—45,
Cherokee Freedmen R—56,
Cherokee Freedmen R—72,
Cherokee Freedmen R—82,
Cherokee Freedmen R—83,
Cherokee Freedmen R—86,
Cherokee Freedmen R—84,
Cherokee Freedmen R—96,
Cherokee Freedmen R—99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—103,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clatter, 100;
 Emily Looney, 101;
 John Gibson, 102;
 Matilda McNeir, 103;
 Bettie Vann, 104;
 Nelson Lett, 105;
 Fannie Rogers, 106;
 William Washington, 107;
 Squire Warren Owens, 108;
 Fannie Goldsby, 109;
 Susan Daniels, 110;
 Anderson Turk, 111;
 David Lane, 112;
 Feltz McClain, 113;
 Henderson Jones, 114;
 Belle Vann, 115;
 Levi Stroud, 116;
 John Sumpter, 117;
 Mariab Thompson, 118;
 Ellen Sheppard, 119;
 Lula Melton, 120.

Cherokee Freedmen B-100;
 Cherokee Freedmen B-101;
 Cherokee Freedmen B-102;
 Cherokee Freedmen B-103;
 Cherokee Freedmen B-104;
 Cherokee Freedmen B-105;
 Cherokee Freedmen B-106;
 Cherokee Freedmen B-107;
 Cherokee Freedmen B-108;
 Cherokee Freedmen B-109;
 Cherokee Freedmen B-110;
 Cherokee Freedmen B-111;
 Cherokee Freedmen B-112;
 Cherokee Freedmen B-113;
 Cherokee Freedmen B-114;
 Cherokee Freedmen B-115;
 Cherokee Freedmen B-116;
 Cherokee Freedmen B-117;
 Cherokee Freedmen B-118;
 Cherokee Freedmen B-119;
 Cherokee Freedmen B-120.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for her husband, John Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Nathan Campbell for himself; by Van Jackson for his wife, Mary Jackson; by Tobé Middleton for his wife, Annie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William H. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bett Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Munley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kadda Jackson for herself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by William Peterson for his wife, Lena Peterson; by Martha Johnson for her husband, John Johnson; by Joseph Vann for his wife, Martha Vann; by John Smith for himself; by Steve Looney for Nancy Rose; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Stiggs for her husband, William Stiggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jack Looney for his wife, Fannie Looney; by Lucy Johnson for herself; by Alice Dunn for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed. Miller for his wife, Mary Miller; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepaney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammar Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Rattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lida Sanders; by Mary Hamelrig for her husband, George Hamelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckard for himself; by James B. Pemp for himself; by Jesse Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Anna Thomas; by Lewis McConnell for himself; by John Vann for his wife, Carrie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Leon Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Feltz McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariab Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right therein by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Ediza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Iryen, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mask, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lela Matton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1906, (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY, Chairman.
[SIGNED] T. B. NEEDLES, Commissioner.
[SIGNED] C. E. BRECKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

F. D. 990.

No. 221.

MARRIAGE LICENSE.

United States of America,
Indian Territory,
First Judicial Division.

To any Person authorized by Law to Solemnize Marriage--Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. George W. West of Tulsa in the First Div. Indian Territory aged 27 years, and Miss Lizzie Haynes of Tulsa in the First Div. Indian Territory aged 19 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and Official Seal, this 25th day of January A. D. 1892.

Wm. Nelson,
Clerk of the U.S.
Court.

By C. W. Moson---Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
Indian Territory, ss.
First Judicial Division,

I, John M. Watson a Minister in the Friends Church do hereby certify, that on the twenty six day of January, A. D. 1892, I did duly, and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 26 day of January, A. D. 1892.
My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory. First Judicial Division, Book A, ---Page 116-----

John M. Watson,
A Minister in the Friends Church,
Located at Skiatook, I. T.

NOTE:--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court, in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.

Commissioner.

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

West

In the matter of the application of

George

for enrollment as a Cherokee Freedman.

No. F. D.

990

J. Starr, of lawful age, being duly sworn on

oath states that on the *28-* day of *Aug*, A. D., 1901, he registered

to *George West* whose postoffice is *Tulsa*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto

attaches the receipt of the Postmaster at *Vinita* Indian Territory;

and that on the *28th* day of *Sept*, 1901, he received the return

card which is hereto attached, signed by the said *George W*, showing

that he had received said notice.

Subscribed and sworn to before me on this the *4* day of *Sept* A. D. 1901.

W. W. Hasling
Notary Public.

(Seal)

NOTICE

IN THE MATTER OF The application of **George West**
for enrollment as a Cherokee Freedman

Case No. F. D. 990

To **George West, Tulsa I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson** Indian Territory, on the following dates, to-wit: **September 4th** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **27th** day of **August**, 1901.

L. B. Bell
W. H. Foxling
J. J. Dubenport
Attorneys for the Cherokee Nation.

9

FD 440

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

410 990

FILED
MAR 21 1902

Handwritten signature

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George West,
Tulsa, I. T.
Cherokee - - -
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

My. F. B. 1710

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 20 1901



ACTING CHAIRMAN

—D—

William H. Ware

1871

Wm. H. Ware

MARRIAGE LICENSE.

No 221

United States of America,
INDIAN TERRITORY,
First Judicial Division.

To any Person authorized by Law to
Solemnize Marriage Greeting:

You are hereby Commanded to solemnize the Rite and publish the Banns of
Matrimony between Mr. *George M. West* of
Okla in the *First Div. Indian Territory* aged
27 years, and Miss *Lizzie Barnes*
of *Okla* in the *First Div. Indian Territory*
aged *19* years, according to law, and do you officially sign and return this
License to the parties therein named.

Witness my hand and Official Seal, this *25th*
day of *January* A. D. 189*2*

Mr. Nelson

Clerk of the U. S. Court.

By *G. H. Croson*

Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
First Judicial Division.

I, *John M. Hudson* a
Minister in the *Bond Church*

Do hereby Certify, that on the *Twenty 2nd* day of *January*
A. D. 189*2* I did duly, and according to law, as commanded in the foregoing License,
solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this *26* day of *January* A. D. 189*2*

My records are recorded in the Office of the Clerk of the United States Court, Indian Territory.

First Judicial Division, Book *A* Page *116*

John M. Hudson
Minister in the *Bond Church*
Sealed at Muskogee Okla

NOTE: The License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court, Indian Territory,
from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued shall be liable in the amount of One
Hundred Dollars (\$100).

June 8 1906
80990

32

L. V. RE

THE DEATH OF

James W. and

a citizen of the

State of

Nation.

Approved



1905

Commissioner

CHAS. H. K.

1835

FEB 25 1906

Encl 8 196
82990

32

IN RE
THE DEATH OF

James West
a citizen of the

State of New York.

Approved Feb 21 1905

Commissioner.

RECEIVED

CHIEF

CLERK

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of James West
(Here insert name of deceased)
 a citizen of the Lebanese Nation, who formerly resided at or near
Sulha, Ind. Ter., and died on the 17th day of
June, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,

I, George West, District Notary,
 on oath state that I am 36
 years of age and a citizen, by adoption, of the Lebanese Nation;
 that my post office address is Sulha, Ind. Ter.; that I am
the father of James West,
(State relationship, the father, an uncle, a cousin, etc.)
 who was a citizen, by adoption, of the Lebanese Nation;
 and that said James West died on the 17th day of
June, 1902.

WITNESSED TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this 25 day of Feb, 1903.

John Roman
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,

I, _____, District _____,
 on oath state that I am _____
 years of age, and a citizen, by _____, of the _____ Nation;
 that my post office address is _____, Ind. Ter.;
 that I was personally acquainted with _____,
(Here insert name of deceased)
 who was a citizen, by _____, of the _____ Nation;
 and that said _____ died on the _____ day of _____.

WITNESSED TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1903.

Notary Public

Muskogee, Indian Territory, June 7, 1904.

Received of the Commission to the Five Civilized Tribes,
one copy of the record of proceedings had in the matter of the
application of George West for enrollment as a Cherokee freedman,
Cherokee Freedmen D-990.

Blue & Glover
per J. H. Glover

Attys. for applicant.

Cherokee Freedmen
D-990.

Muskogee, Indian Territory, June 7, 1904.

Blue & Clover,

Attorneys for George West,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of May 31, stating that you have been employed by George West to represent him in his application for enrollment as a Cherokee freedman, and you ask to be furnished with a copy of the record in his case.

In reply there is herewith enclosed a copy of the record of proceedings had in the above mentioned case, together with blank form of receipt for same, which you are requested to sign and return to the Commission.

You are advised that you have been entered upon the Commission's records as attorneys for the applicant.

Respectfully,

Enc. D-20.

Chairman.

COPY

Cherokee Freedmen

D-990.

Muskogee, Indian Territory, August 15, 1904.

George West,

Tulsa, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for the enrollment of yourself and your three minor children, George Jr., Jessie and Albertha West, as Cherokee freedmen, and dismissing your application for the enrollment of your minor child James West, he having died prior to September 1, 1902. There has heretofore been furnished your former attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to your present attorneys, Blue & Clover, Vinita, Indian Territory, a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 2-61
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-290.

Muskogee, Indian Territory, August 16, 1904.

Blue & Clover,

Attorneys for George West, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, the application of George West for the enrollment of himself and his three minor children, George Jr., Jessie and Albertha West, as Cherokee freedmen, and dismissing his application for the enrollment of his minor child, James West, he having died prior to September 1, 1902. There has heretofore been furnished these applicants' former attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 3-67.
Register.

Commissioner in Charge.

OK

Cherokee Freedmen
D-200-220-2000-1000
-2022-2024.

Washago, Indian Territory, August 17, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision in the consolidated case of Houston West, et al., rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, Callie, John, Callie, George, George Jr., Jessie and Albertha West, and Eugenia and Janie Harris, as Cherokee freedmen, and dismissing the application for the enrollment of James West, he having died prior to September 1, 1902.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 2-60.

Commissioner in Charge.

COPY:

Cherokee Freedmen

1865-1866-1867-
1868-1869-1870.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Houston West, et al., including the Commission's decision, dated August 5, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, Callie, John, Callie, George, George Jr., Jennie and Albertha West, and Eugenia and Jennie Harris, as Cherokee Freedmen, and dismissing the application for the enrollment of James West, he having died prior to September 1, 1902.

Respectfully,

Encl. 2-70.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following:
Land
67356-1904 .

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. September 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated on August 17, 1904, transmitting the record of the Consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris and by Callis West (son of Houston West) for himself.

August 8, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that all the other applicants except John West, Lugenia Harris and Janie Harris were born since 1866, and

are the descendants of Bose West and Millie West, and that they acquired no greater rights than were possessed by their ancestors. It does not appear that either Bose or Millie West were the slaves of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C. Tonner

Acting Commissioner

M M H

V

D.O. 39948-1904
I.T.D. 7604-1904

(C O P Y)

W.C.P.
J.P.
PHE
L.R.S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 15, 1904.,

Commission to the Five Civilized Tribes ,
Muskogee, Indian Territory.

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the enrollment as Cherokee freedmen of Houston West and his minor children, Ida, Nancy, Fannie, Georgie, and William West; of George West and his minor children, George Jr., Jessie Albertha and James West, and his wife, Lizzie West; of Callis West (son of Henry West); of John West; of Eugenia Harris and her minor child, Janie Harris; and of Callis West (son of Houston West). The application for the enrollment of the applicant Lizzie West as a Cherokee freedman by intermarriage was not passed upon by you, and is therefore not included in this decision.

It appears that the applicant James West died June 17, 1902. On August 5, 1904, you dismissed the application for the enrollment of James West, and decided that all the other applicants herein are not entitled to enrollment.

Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, and on September 21, 1904, he forwarded a petition, in behalf

of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Eugenia Harris were born subsequent to 1866, and are son and daughter of Boce West, a brother of the applicant Houston West. The evidence shows that Boce West did not return to the Cherokee Nation prior to February 11, 1867.

Your decision, in so far as it affects said John West, Eugenia Harris and Janie Harris, is therefore approved. Your decision in so far as it affects Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George

West, George West Jr., Jessie West, Albertha West, Callis West (son of Henry West), and Callis West (son of Houston West), is reversed, and you are directed to enroll said applicants as Cherokee freedmen.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

1 inclosure.

Thos Ryan
Acting Secretary.

Cherokee Freedmen
D-990

Muskogee, Indian Territory, November 2, 1904.

George West,

Tulsa, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, your application for the enrollment of yourself and children as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll yourself and children as Cherokee freedmen.

Respectfully,

Chairman.

Cherokee Freedmen
B-990

Muskogee, Indian Territory, November 2, 1904.

Blue & Clover,

Attorneys for George West, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, the application for the enrollment of George West and his children as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Chairman .

Cherokee Freedmen
D-989-990-1000-1034

Muskogee, Indian Territory, November 2, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, George, Lizzie, George Jr., Jessie, Albertus, Callie, (son of Henry West), and Callie (son of Houston West), as Cherokee freedmen, was reversed by the Secretary of the Interior on October 15, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Chairman.

COPY.

Cherokee Freedman
No. 14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Hampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rome, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klacie Vann, Freddie Letney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepnay Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irton, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasekraig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Kafir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Hunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lecney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tame Bixby.
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee President
J-M et al.

Muskogee, Indian Territory, January 24, 1905.

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, respecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Hall Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Kunkley, George Reed, Sr., Buck Ledman, Soli Thompson, Lewis Scott, Abe Scott, Kander Lompton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Briggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leach, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Bank, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irwin, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Madison, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Maair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Maair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Maair, Carrie Martin, Benjamin Clark, Billy Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

RECEIVED BY THE DIRECTOR OF THE FBI ON 10-10-61 AT 10:00 AM
FROM THE DIRECTOR OF THE FBI.

Respectfully,

SIGNED: *James D. Byrd*

Special Agent

Encl. K-9.

COPY.

Cherokee Freedmen
B-990.

Muskogee, Indian Territory, January 24, 1906.

Lissie West,

Tulsa, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorneys, Blue & Bulger, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamie Ditty.

Chairman.

Encl. L-106.

Register.

COPY.

Cherokee Freedman
D-990.

Muskogee, Indian Territory, January 24, 1905.

Blue & Bulger,

Attorneys for Lizzie West,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for the enrollment of Lizzie West as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-121.

Register.

SIGNED. *Tame Dixby*
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Newton Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Eugie Colbert, William Briggs, Essie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Cheatem, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Duckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wavo, Ferna Wavo, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McAdair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

of the Cherokee Nation or by any United States tribunal and that none is identified on the 1886 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8542-1904) in the Lawal Welcome case, the approval of the Commission decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.N.
W.

W. C. F.
FMR.

DEPARTMENT OF THE INTERIOR,

D. C. 20077-1905.

I. T. D. 2904-1905.

WASHINGTON. April 17, 1906.

L. R. S.

Commission to the Five Civilized Tribes,
Washkgee, Indian Territory.

Gentlemen:

January 24, 1906, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Ramon Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Craggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McDonnell, Maudie Manley, George Reed, Sr., Beck Leiman, Bell Thompson, Lewis Scott, Abe Scott, Rander Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena

Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross,
Charles C. Smith, Susie Colbert, William Stagg, Susie Johnson,
Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Chouteau,
Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis
Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley,
Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dawn,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George
Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie
Cox, Leonard Rowles, Malinda Murrell, Charles Claggett, Samuel
Irven, Mary Ross, Maggie Hays, Neoma Hays, Ella Ross, Elizabeth
Jumcan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria
French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers,
Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac
Welch, Lawson Logan, George Howell, Henry Masir, George Adams,
Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair,
Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie
Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves,
Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William
Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels,
Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle
Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and
Lula Melton.

-2-

Reporting in the matter March 21, 1968, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-990.

Muskogee, Indian Territory, April 28, 1906.

Lizzie West,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-990.

Muskogee, Indian Territory, April 28, 1905.

Blue & Bulger,

Attorneys for Lizzie West,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Lizzie West as a Cherokee citizen by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell,, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

N-14, et al.

Muskogee, Indian Territory, April 22, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tame Bixby.
Chairman.

Cher. Fr. R 786

Trans. from Cher F.D 1003

Cher. Fr. R 786

To be filed with case of Lewis Hayes, C.F. D.#1003.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

Mellette & Smith for applicants;
W. W. Hastings for the Cherokee Nation.

In the matter of the application of Phyllis Hayes for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Phyllis Hayes.
Q What is your post office? A Coffeyville.
Q What is your age? A 50.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to have enrolled besides yourself? A No one.
Q Are you married? A No, sir.
Q Were you ever married? A Yes, sir, I lived with a man.
Q What was his name? A Crap Lynch.
Q What is your father's name? A Peter Rogers.
Q What was your mother's name? A Sophie.
Q Are you married to a man named Hayes? A I married a man named John Baldridge and went by the name of Hayes when married him.

Applicant not found on the 1880 or 1896 rolls.
Kern Clifton roll examined and applicant found as follows:
Page 173, No. 4242, Phillis Hayes, Cooweescoowee district.

- BY SMITH: Q Were you a slave? A Yes, sir.
Q Who did you belong to? A Lewis Rogers, and after his death to his widow Ellen.
Q Who did you belong to at the time of the war? A Ellen Rogers.
Q Was she a Cherokee Indian? A Half Osage, her husband was a Cherokee.
Q Was he a recognized Cherokee citizen? A Yes, sir.
Q Where did he live? A On pavinaw in the Cherokee Nation.
Q Were you there when the war commenced? A Yes, sir.
Q Where did you go during the war? A To the mountains.
Q Where was that? A To the hills above the house somewhere.
Q Did you remain in the Cherokee Nation during the war?
A They took me to Neutral land on the Neosho.
Q Was the Neosho a town or a river? A Town.
Q When did you first come back after the war? A When they moved the refugees back.
Q Where did you come to then? A Fort Gibson.
Q Cherokee Nation? A Yes, sir.
Q How long did you stay there? A Good while.
Q Well how long? A May have been 2 years.
Q Where did you go then? A On brushy.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you stay there? A Quite a while.
Q Where have you been since that time? A In the Cherokee Nation.
Q Where do you live now? A Timber Hill.
Q How long have you lived there? A 2 or 3 years.
Q Is that in the Cherokee Nation? A Yes, sir.
Q Have you any grown children? A Yes, sir.
Q What are their names? A Sam Rogers.
Q Who else? A Lewis Brady, Frank Brady, Bettie Lynch.
Q Is Bettie married? A Yes, sir, to Cal Cash.
Q Have you been married more than once? A Yes, sir, three times.
Q Who was your first husband? A Crap Lynch.
Q When were you married to him? A Never married him, just lived with him.
Q Before the war? A Yes, sir, in many times.
Q Who was the next one you lived with? A I lived with my boss next.

- BY THE COMMISSION: You are not married to him were you?
- A No, sir.
- BY SMITH: Who were you married to next? A Mr. Brady.
- Q You married him? A Yes, sir.
- Q When? A Time of the war.
- Q How long did you live with him? A 5 or 6 years as man and wife.
- Q He was the father of Frank and Lewis? A Yes, sir.
- Q Who was the father of the girl you named? A Crap Lynch.
- Q Who was the father of the other boy? A My boss.
- Q Where are these children living? A With me on Timber Hill.
- Q In the Cherokee Nation? A Yes, sir.
- BY HASTINGS: Where are these boys now? A With me.
- Q Was Lewis born before the war? A After the war.
- Q Where was he born? A On Brushy Mountain this side on Fort Gibson.
- Q How far from Chouteau? A I don't know.
- Q How old is Lewis? A I don't know.
- Q Where was Frank born? A On Brushy.
- Q Who were you living with then? A Brady.
- Q Where did you go from Neosho after the war? A Fort Gibson.
- Q Who did you live with there? A Mary Rider.
- Q In town? A Yes, sir.
- Q Did she have a family there? A No, sir, just one son.
- Q What was his name? A Jim.
- Q Did she have no husband with her? A No, sir.
- Q How long did you stay there? A I don't remember.
- Q Year? A May be, might have been 2, 3 or 4, I don't know.
- Q Where did you first see Charles Chambers? A I saw him several times there at Fort Gibson.
- Q Did you see him before the war? A I think it was during the war. It was either at Neosho or else at Fort Gibson, one of those two places.
- Q Where did you first see the witness Baldrige? A I think it was during the war, he was a soldier there.
- Q How long after the war was it that you saw them? A I can't tell.
- Q These are your witnesses? A Yes, sir.
- Q And you don't know when or where you met them for certain?
- A I might have met them at Neosho.
- Q Where did you go from Brushy? A Up on Verdigris.
- Q Did you go direct from Brushy to Verdigris? A If I am not mistaken; I stayed at Fort Gibson a long time.
- Q When did you go up to Fort Scott, Kansas? A I didn't go there until long after the war.
- Q How long after? A Some time after, I don't know just when.
- Q What did you do there? A I worked.
- Q Who for? A For Mr. Diamond in the hotel.
- Q Your daughter Bettie was with you? A Yes, sir, two of them, yes, all three of them.
- Q Bettie is there still? A No, sir, she lives with me.
- Q Hasn't she lived there ever since and isn't she living there now?
- A No, sir, she is living with me, she says with me.
- Q How long has she staid with you? A Off and on.
- Q I mean continuously the last time? A She has been with me 3 or 4 years off and on.
- Q She came from Fort Scott down there? A No, sir, she has been with me off and on since she married.
- Q Five years ago when the Kern-Clifton court was sitting, Bettie was in Fort Scott, wasn't she? A No, sir.
- Q Her husband was there? A Yes, sir.
- Q Her children were there? A No, sir, they has been with me.

Continued by stenographer M. D. Green.

Chas. von Weise, being sworn that as stenographer to the Commission to the Five Civilized Tribes he correctly reported in full all the proceedings in the above cause and the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 11th of July, 1901.

(Signed) T. B. Needles,

Commissioner.

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CONTINUED, former portion taken by Stenographer Chas. von Weise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Phillis Hayes for enrollment of herself as a Cherokee Freedman;

JOHN C. BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

APPEARANCES:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. SMITH: Q State your name? A John C. Baldridge.
Q How old are you? A 71 years old.
Q Where do you live? A I live in Cooweescoowee district, on Verdigris river.

BY MR. HASTINGS: Mr. Baldridge, have you ever been convicted of larceny in the United States Court? A I have been convicted in your own court too.

Q Have you been convicted in the United States Court?

A You have got it there, yes.

Mr. Hastings: I examined him to test his competency to testify as a witness. I object to his testifying.

Mr. Smith: The applicant objects upon this examination to any other proof than the record of the conviction. Now, if the Court please, there are two rules upon that; if he is examined, and he can be asked these questions as effecting his inability, but when it comes to the question of competency then you have got to have the record of conviction.

Com'r Needles: I don't know that his examination is to be conducted according to the strict rules of evidence; the object of this Commission is to get the facts in these cases, and when the case is examined for final hearing, the testimony can be entirely stricken out if it is not received at that time; let the motion go in that he not be permitted to testify on account of any knowledge of his having been convicted of larceny, and then on the final hearing in this case, if it is decided by the Commission to adhere to strict rules of evidence that will be discussed at that time, and his testimony if decided upon at that time as being illegal will be stricken out.

Mr. Smith: Applicant objects to the introduction of anything except a record of the conviction upon an examination touching the competency of the witness.

By Mr. Hastings, examining witness:

Q Where were you convicted, in what court, and when?

MR. SMITH: I object to that, because the records will show it.

MR. HASTINGS: We have got to find out; this is not intended to incriminate him.

COM'T HERRING: No, it is not intended to incriminate him.

MR. SMITH: I object to that.

BY MR. HASTINGS, examining witness:

Q Where were you convicted? A Ft. Smith.

Q About when? A I couldn't tell just exactly.

Q As much as 10 years ago? A I expect about that.

Q Under what name? A John Baldridge. And on Dog Creek, in the Cherokee Nation; they wouldn't allow me no witness.

BY MR. SMITH: Do you know this applicant, Phillis Hayes?

A Yes, sir.

Q How long have you known her? A I have been knowing her for years I believe I got acquainted with her in the year 1863.

Q Where did you know her first? A She come to the army where we was camped at Ray's Mill.

Q You didn't know her before the war? A No, sir.

Q You don't know who she belonged to? A Well it was said she belonged to the Rogers family, but I didn't know.

Q You don't know of your personal knowledge? A No, sir.

Q When did you see her next after you saw her there in '63 when she came to the army? A After the refugees got so heavy where I was camped, we moved the refugees to Neosho; it was called Neutral land at that time, and we moved them out at the Neutral land for save keeping.

Q Where was you or where was the army when she came to the army? Well she was right there after they moved them, she was right there at Neutral Land yet.

Q Where did she come to you? A We soldiers went to the refugees at Neosho to bring them down to Ft. Gibson.

Q Well did she go with you, with the soldiers? A First time she come to us at Ray's Mill; that was in '63, we camped there, and we taken them from Ray's Mill down the the Neutral land, and kept there until '65 and in '65 we moved the refugees to ft. Gibson, and she was along.

Q How long did she stay about Ft. Gibson? A I don't remember how long she did stay.

Q That was in what year? A That was in the year of 1866?

Q Was it '66 when you moved the refugees? A '66 we moved the refugees, you see we was to stay in the year '65 in '66 and then the whole refugees was in Ft. Gibson, the Cherokees, the colored all together.

You know where this woman, Phillis Hayes, was in '66? A She was in Ft. Gibson.

Q You know how long she stayed about Ft Gibson? A No, sir, I don't.

Q When did you next see her after 1866? A Well it was years, I couldn't tell you exactly how long, but then it was a good while.

Q Where was she living when you saw her next? A She came down from Kansas down and I was with her and I took her and married her and I took her home with me then and lived with her.

Q When was that? A I disremember what year that was.

Q Did you and she live together? A Yes, sir, we lived together for years.

Q How long? A 6 or 7 years.

Q Where did you live? A Gooseneck Bend.

Q How far from Nowata? A About three miles I guess, 4 miles; she left me in the year, I don't know what year, remember it though, the people took small-pox on Grand river, that's the year she left.

Q You know where she has been living since that? A She went up in Kansas but the boys stayed there at her place there.

Q What place? A On the place where they is now, on my place.

Q Where is that place? A Up on Gooseneck Bend, they live now at Timbered Hill, a little ways fro me now.

BY MR. HASTINGS: You testified in this case before the Kerns Clifton Court? A Yes, sir.

Q Did you say anything about knowing her during the war then?

A Yes, sir, I knew her time of the war.

Q Did you tell it before the Kern-Clifton court that you knew her during the war? A Yes, sir.

Q Did you tell anything about seeing her on the Neutral Land then?

A Yes, sir, I said I stood guard over ther⁴ right there at Neosho.

Q You told that right before the Court? A Yes, sir.

Q You first saw her at Ray's Mill did you? A Yes, sir, that's where she came.

Q Where did you join the army. A At Leavensworth.

Q In what year? A '61, and come on down then--

Q Who did you go up to Leavensworth with? A A good many of them.

Q Who? A I couldn't tell exactly.

Q Well anybody? A Captain Darby.

Q Where did you meet up with him? A I went to Kansas City to him; now let me show you: when these Injuns got ~~xxx~~ stirred up in the year '66 I took my young master and went to the army; we dodged around we got to Leavenworth; that was in '61.

Q Your young master? A Yes, sir.

Q What was his name? A George Ross.

Q You and George Ross joined the army together, ran off?

A Yes, sir, I took ~~w~~ him with me, and met a young Downing that was there in camp at Lawrence, Kansas, and then we was at Kansas City, Kansas, and we come on down to Ray's Mill; I belonged to the 6th Regiment, and the Indians was camped there.

Q You saw this woman after the war did you? A Yes, sir, I saw her in the year '66.

Q She went down with the refugees?~~xxx~~ A Yes, sir, she went with the refugees from Neosho to Ft. Gibson.

Q That was the town of Neosho? A No, sir, it wasn't no town, it was just a camp.

Q On which side of the river was it? A On Yop der side.

Q That would be the east side of the river? A Yes sir, next to Ft. Scott. We got out rations from Ft. Scott.

Q How far from Ft. Scott, was it? A I couldn't tell you exactly.

Q You remember her particularly? A I knowed her particular, because she was in ~~x~~anss sick and I was ministering to her, I made medicine for her.

Q You was practicing mdicine then? A Yes, sir, all through the army.

Q Was her mother along with her at that time? A I don't know her mother.

Q Was her father along with her? A I don't know her mother.

Q About what aged girl was she at that time? A I couldn't tell, she was the mother of two children.

Q About how old were they? A Sam Rogers was a little baby; had a little girl.

Q Were these children along when you first saw her over at Kansas line? A She had Sam and Bettie.

Q Were they with her when you saw her at Ray's Mill? A Yes, sir, when she come to us she had one little baby, little girl.

Q What time did she live at Ft. Gibson? A I couldn't tell you.

Q Didn't she stay in nobody's house there? A I couldn't tell you

Q How long did you live around Ft. Gibson at that time?

A I moved away from t. Gibson, I stayed there, 20 years ago now.

Q You lived there a number of years after the war? A Yes, sir, I was a soldier and stayed right there.

Q You don't know who she livedwith? A No.

Q Don't know where house she lived in? A No, sir, we never had no houses, just shed and tents made out of cow hides.

- Q When did you next see her after that? A I couldn't tell you.
- Q About how many years? A I couldn't tell you that to be sure.
- Q When you commenced living with her she had come down from Ft. Scott? A Come from Kansas, but I don't know what part of Kansas.
- A She bring anybody with her from up there? A She brought boys along.
- Q How many? A She had three boys when she come down here, and I married her, and then she had three more others, two more boys and one girl.
- Q Where was her daughter Bettie at that time? A I don't know exactly where she was at that time.
- Q Was she living with her? A I don't know.
- Q Wasn't you living with her? A She wasn't living with her when I first married her.
- Q Did she ever live with her while you lived with her? A Yes, sir, every one of them lived with her.
- Q Didn't you swear before the Kerns-Clifton Commission with reference to Bettie Cash, did you say she has never lived here, but always lived in Ft. Scott? A You asked me the question, where is she now, and I told you in the Clifton Court, she was in Ft. Scott; you never asked me about living with me; you ask me now if she is living with me, but at the time you asked me I told you just how it was.
- Q She lived with you how long, this woman? A I couldn't tell you exactly.
- Q Can't you give us any idea how long that was? A I told you a while ago she left me the year all the people had small-pox down on Grand river.
- Q That's the year she left? A Yes, sir.
- Q Where did she go? A She went up in Kansas I guess.
- Q You continued to live up there on Big Creek? A Not Big Creek, I lived in Gooseneck.
- Q Well you lived there? A Yes, all the time.
- Q How long since you saw this woman after that? A I seen her off and on sometime ~~be about~~ two or three months.
- Q How long was it until you saw her then after she left?
- A I couldn't tell exactly how long.
- Q Where did you see her the next time keeping house?
- A Next time I saw her keeping house at Timbered Hill.
- Q Where is that? A That's about 7 miles of where I live now.
- Q I don't know where that is? A I told you I live at Gooseneck Bend.
- Q What town is the nearest to you? A Coffeyville.
- Q How long has she been living there? A I don't know.
- Q You don't know how long she located there? A No.
- Q She been there a year? A Oh yes.
- Q Two years? A Over 2 years I guess, I don't know.
- Q Is that your best judgment? A Yes, that is my best judgment, I don't know.

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows: BY MR. SMITH:

- Q State your name? A Charley Chambers.
- Q How old are you? A 70 years old.
- Q Where do you live? A On Big Creek.
- Q How long have you lived in the Cherokee Nation?
- A I have lived in the Cherokee nation all my life.
- Q Do you know this applicant Philiks Hayes? A Yes, sir.
- Q How long have you known her? A I knowed her before the war.
- Q Was she a slave? A Yes, sir.
- Q Who did she belong to? A Lewis Rogers.
- Q Was he a Cherokee Indian? A Yes, sir.

Q Citizen of the Cherokee Nation? A Yes, sir.

Q Where was he living and where was she living time the war commenced? A On the other side of Grand river.

Q In the Cherokee nation? A Yes, sir.

Q Did you see her during the war at any time?

A That was after the war.

Q When did you first see her after the war? A I seen her after I come up from Ft. Smith, I seen her there at Ft. Gibson, living right on the river.

Q When did you see her at Ft. Gibson? A That was along in '65, I seen her.

Q Did you go out of the Cherokee nation yourself? A Yes, sir.

Q When did you come back? A I come back in '65.

Q You know what time in '65 you come back? A I come back along in the spring.

Q How long after you came back was it until you saw this woman?

A I come somewhere along up in the summer; corn was tasselling when I come from Ft. Smith, that was along in '65.

Q Well what was it doing when you got up to Ft. Gibson, still tasselling? A Yes, sir, still tasselling.

Q When did you see her, how long had you been at Ft. Gibson when you saw this woman? A Oh I had been up there I guess a couple of weeks.

Q How long did you stay at Ft. Gibson at that time then? A I didn't stay there but a little while I knocked around there a day or two, first one place and another.

Q When did you next see Phillis after you saw her there that time?

A I saw her on Big Creek, not Big Creek, but on this side of the Verdigris river.

Q About how long after you saw her at Ft. Gibson? A That was about a year afterwards I guess, as well as I can remember, it was about a year afterwards, or two years.

BY MR. HASTINGS: Who was her master before the war? A Lewis Rogers.

Q You was up there before the war? A I passed along rrough by there, yes sir.

Q Where were you going? A I don't know where my old master was going, I was along with him.

Q What kind of a house did her master live in? A I couldn't say now.

Q Where was it at? A On the other side of Grand river I know.

Q Was that in Tahlequah district? A I don't know whether it was Tahlequah district or Flint district, I don't know what they called it then.

Q Where did you live? A I lived at Park Hill.

Q How far was it from the town of Tahlequah that she lived, where she and her owners lived from Tahlequah? A I don't know, sir, now far it was.

Q Was it as much as ten miles? A Oh it was I guess about 15 or 20 miles, I don't know, I guess so, I don't know exactly how far it was.

Q You don't know what sort of place it was they were living?

A No, sir, we just passed along there, the old man stopped there a little while, and I would always go along with him to take care of the horses.

Q You recognize her as being there? A Yes, sir.

Q And you saw this woman there at that time? A Yes, sir, if it wasn't her, it was her sister.

Q And that's all the acquaintance you had with her before the war?

A Yes, sir.

Q How long did you stay there at Rogers'? A Didn't stay there but a little while.

Q How long, just to rest? A I reckon that's what he stopped for.

Q What sort of looking man was Rogers? A There were two or three men there, and I didn't know which one was Rogers; there were two or three men there.

- Q Any creeks, river or branches near their house?
A I don't just recollect now.
- Q You didn't see her mother there at that time? A No, if I did I don't know it.
- Q Well, Charley; about how old was she, your best judgment, at that time? A Well I couldn't tell you just about how old she was, seems to me like she was pretty near grown.
- Q Was she a young woman? A Looked to me like she might have been.
- Q Did you talk with her at that time? A No, sir.
- Q Never had any talk with her? A Hadn't talked with her at all, I just saw her.
- Q Just happened to see her in the house? A Yes, sir, she was in the house and I was out at the outside fence with the horses.
- Q You just say her in the house? A I saw her walking about in the year.
- Q That's all your knowledge of her before the war? A Yes, sir.
- Q Where did you see her next? A She was at Ft. Gibson.
- Q Who was she living with then? A She was living by herself then, I guess her children was there, I don't know who it was, she was living right there on the river.
- Q On what river? A Grand river.
- Q How far from the old garrison? A It was I reckon a quarter of a mile.
- Q Above or below? A Below.
- Q Next the old Bushyhead house? A Yes, sir, right in there.
- Q Did she have a husband then? A If she did I didn't know it.
- Q Was you at her house? A No, sir, she told me where she lived, and I saw her going up there from the city.
- Q You recognized her as having seen her before the war?
A I thought I did, and I talked with her and she told me where she lived.
- Q That was after the war? A Yes, sir. That was in the summer of '65.
- Q She was living up there? A Yes, sir.
- Q Then you saw her after the war, later? A It was a year or two, yex.
- Q And she was living on the same place then? A No, sir.
- Q Where was she living? A She was living up on the Verdigris,
- Q A year or possibly two years later? A Yes, sir.
- Q You put it then in '66 or '7 you saw her up there? A Yes, sir, I think as well as I can come at it, it was about '67.
- Q Who was she living with then? A When I saw her then she was living with this man Hayes.
- Q That was in '67? A Yes, sir.
- Q That was in Gooseneck? A No, sir, it was up about Goose Lake, up about where there used to be an old mill set right in the bend of the river.
- Q You was at their house? A Yes, sir, I went to their house over there, that's where I used to haul lumber from.
- Q You hauled lumber from that mill up there? A Yes, sir.
- Q In '67 about what time in '67 was it? A It wasn't in '67 I hauled lumber from there, it was about a year or two after that.
- Q Who was running that mill? A I don't know who the mill did belong to.
- Q But you was at their house in '67 up here about gooseneck on Verdigris? A Yes, sir.
- Q She was living with John Waldrige at that time? A Yes, sir.
- Q How long after that until you saw her again? A I saw her often and on after that every three or four weeks, sometimes it would be a month or two, I would see her often and on.
- Q Where was she living? A They lived right there.
- Q How long did she live there at that place? A I don't know how long they did stay there.

Q Does she live there yet? A No, sir, she don't live there now.
 Q Did you ever know her in ~~the~~ Kansas? A No, sir.
 Q You never? A No, sir, I never did.
 Q You know she lived on Verdigris all the time? A She lived there all the time when she wasn't working in Coffeyville.
 Q You know she was working in Coffeyville awhile? A Yes, sir.
 Q Where did you live? A I lived right on the river, on the other side.
 Q ~~Have~~ were you ever tried for perjury in the United States Court at Ft. Smith? A No, sir.

Com'r Needles: Phillis Hayes applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was a slave, and belonged to one Lewis Rogers, a Cherokee; she has been married once or twice, and is now married to one Hayes, and avers that she has resided in the Cherokee Nation continuously since the year 1866; she returned here in that time; she will now be listed for enrollment as a Cherokee freedman on a doubtful card; awaiting further consideration of the Commission. She will be notified at her post office address of the disposition of her case.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
 (Signed) M. D. Green.

Subscribed and sworn to before me this July 10, 1901.

(Signed) T. B. Needles,
 Commissioner.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the above is a true and complete copy of the original transcript in the above case.

J. O. Rosson

Subscribed and sworn to before me this September 9, 1901.

Commissioner.

M. D. Green
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Lewis Hayes for the enrollment of himself as a Cherokee Freedman; said Hayes being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Lewis Hayes.
Q How old are you? A 24.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes, sir.
Q What roll? A I suppose it is on the Kern-Clifton.
Q What is your father's name? A Brady.
Q What is your mother's name? A Phillis Hayes.
Q Do you claim through her? A Yes, sir.
Q She has been here, has she? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 173, #4243, Louis Hayes, Cooweescoowee.

- Q How long have you lived in the Cherokee Nation, Lewis?
A Ever since I can remember.
Q Living there now? A Yes, sir.
Q Are you married? A No, sir.
Q Been married haven't you? A No, sir.
Q Are you a farmer? A Yes, sir.
BY MR. J. S. DAVENPORT: Cherokee representative:
Q Where do you live now, Lewis? A Timbered Hill.
Q Which Timbered Hill, the one in Delaware District or Cooweescoowee district? A Cooweescoowee.
Q How far do you live from Granville Craig? A I don't know.
Q Where is the Timbered Hill you live now? A Right up here, (indicating.)
Q How far do you live from Mr. Shell Keys? A Three miles.
Q How long have you been living there? A Three years.
Q Where did you go from to that place? A We was there by Frank Looney's place.
Q Where did you go from to Frank Looney's place? A I had been living down there at Mill Seat.
Q What stream? A Verdigris.
Q Have you lived in the Cherokee Nation all your life?
A No, sir.
Q Have you lived in Kansas? A No, sir.
Q You said you had lived in here off and on; what part have you lived off and what part on? A I have lived here all the time.
Q Have you stayed away any at a time? A I was down to Vinita and Muskogee.
Q How long did you stay down to Forst Smith when you were down there?
A I never was down there.
Q How long did you stay in Kansas? A About two weeks or such a matter.

BY COM'R NEEDLES:

- Q Have you a farm here in the Cherokee Nation? A Yes, sir.
Q Are you married? A No, sir.
Q Never been married? A No, sir.

BY MR. DAVENPORT:

- Q Whose farm does that farm you own join? A Joins the old Stevens place.
Q That is the Bill Stevens place? A I don't know.
Q Well, it is the same place that Joe Davis now owns?
A Yes, sir.

Lewis Hayes, --2.

- Q Now, how long have you owned that farm? A My brother owns it.
Q Why did you answer the Commissioner that you owned a farm there?
A I have a claim.
Q Have you really got any farm in the Cherokee Nation?
A I have got a claim.
Q Does that claim of your join the Bill Stevens place?
A No, I don't know as it does.
Q Well, whose farm does it lay next to? A Ervin's.
Q How long have you owned that farm? A About a year.
Q What is on it? A A little house and a tent.
Q Did you put it there? A Yes, sir.
Q It was when you came from Kansas you put up that house?
A No, sir.
Q How long had you been down there when you put up that house?
A About three years.
Q Is anybody here knows that you have got that farm up there?
A Yes, sir.
BY COM'R NEEDLES:
Q You lived in Kansas the last three years? A No, sir, I never lived in Kansas as my home.
Q Never married in Kansas? A No, sir.
Q Is there anybody here that knows you? A No, sir.

COM'R NEEDLES: Lewis Hayes applies for the enrollment of himself. His name cannot be identified upon the authenticated roll of 1880 or census roll of 1896. He avers that he is a son of Phillis Hayes, who has been listed for enrollment on doubtful card #902, and that testimony taken in the matter of the enrollment of Phillis Hayes will be made part of the record in the case at bar and copy thereof filed herewith. No testifactory testimony is given to the Commission as to the residence of the said Hayes, and when he satisfies the Commission as to his residence, he will be listed for enrollment as a Cherokee Freedman upon a doubtful card.

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E. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

E. O. Rosson

Subscribed and sworn to before me this 18th day of July, 1901.

[Signature]

Commissioner.

the proceedings in the above cases and that the foregoing is a full statement of the proceedings in the five Civilized Tribes as reported in full at Chicago, Nov. 1906, being first sworn before me as stenographer.

This will also be filed in Querexee Freedom's case, D-336

Q Now directed British to it didn't you? A Yes sir.
Q Convinced of being mistaken? A I was convicted but I wasn't British
Q anything else? A Nothing.
Q Where for? A Revolverman.
Q For how long? A Three years.
Q What did they do with you? A Sent me to the pen.
Q When? A 1841.
Q Have you ever been convicted of any offences? A Shooting a man
Q Day's work? A Yes sir.
Q Cooking? A Yes sir.
Q What was she doing there?
Q What was somewhere? A I don't know.
Q If you know her up to 1841 1863? A I didn't know her up to 1841 1863.
Q Didn't know her up to 1841 1863? A I didn't know her up to 1841 1863.
Q When did you first know her? A I don't know.

File with

Lewis Hayes, C. F. D. 1003.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8, 1901.

SUPPLEMENTAL TESTIMONY in the case of Phillis Hayes, C. F. D. #902.

Appearances.

W. W. Hastings for the Cherokee Nation
Mellet & Smith for the applicants.

--Witnesses placed under the rule--

J. E. THORP being first duly sworn by Com'r T. B. Needles, testified as follows on the part of, the ~~applicant~~ Cherokee Nation.

(By Hastings)

Q What is your name? A J. E. Thorp.

Q What is your post office address? A Iola, Kansas.

Q How long has that been your post office address? A Ever since it was a post office.

Q When was that? A In '59.

Q How large a place was Iola at the close of the war? A Two, three or four hundred.

Q How large a place is it now? A 9000, about.

Q Do you know a colored woman that went by the name of Phillis Hayes?
A Yes sir.

Q Where did you know her? A At Hubbard's Mill adjacent to Iola.

Q When did you first know her? A October or November of '67.

Q Did she have any children that you know of then? A I think she had.

Q Did you know them after that? A I never knew but Sam and Lewis that was after that.

Q Where was Phillis Hayes when you first knew her? A Half a mile from Iola at Hubbard's Mill.

Q You dont know when she first came there? A No sir.

Q How long after that did you know her? A 3 or 4 years.

Q Did she ever do any work for you? A I dont remember if she did or not.

Q Do you know where she went to from Iola? A She went to Humbolt, I heard.

Q How far is Humbolt from Iola? A Eight miles.

(By Smith)

Q The woman you are talking about, you first became acquainted with in '37? A Yes sir.

It might have been in '68? A I dont think it was.

Q Are you absolutely positive as to the date? A No sir, in October or November though.

Q Are you positive as to the year? A I think I may say so.

Q Do you say so? A Yes sir I will.

Q You knew a colored woman named Phillis Hayes about Iola Kansas in '67 in the fall, now do you know if it is the same woman who is an applicant here for citizenship? A No sir.

Q Do you know how old she was? A She is quite aged.

Q An old woman then? A No sir, now.

Q Have you ever seen her since then? A Yes sir, once or twice.

Q When? A 10 or 12 years ago.

Q When did she leave there? A I won't say as to that.

Q Was it several years ago? A In '75 or '74.

Q During that time what was she doing? A Washing.

Q Hired out? A Yes sir.

Q You don't know if she was there continuously or only a part of the time? A Continuously at that time I think.

You can't state positively that she was there all the time? A No sir.

(By Hastings)

Q Do you know Bettie Cash? A Not until quite recently.

Q Is there any relationship between Bettie Cash and Phillis Hayes? A

A I don't know, report says there is; she lived at Fort Scott and came back to Iola--I presume that it is her child.

Q (By Smith) "I object to the presumption of the witness."

A (Hastings) "You have been informed that Phillis Hayes is the mother of Bettie Gash?" A Yes sir.

Q By Smith) "Who informed you that?" A I heard it talked by several.

Q By whom? A I can't name any individual.

Q By disinterested persons who were not connected with the family? A Yes sir.

By Smith: "I object to the above testimony and move to strike it out wherein it refers to the relationship between Bettie Gash and Phillis for the reason that it is not within the rule to allow him to testify that he heard any statement from any person not connected with the family, as to that relationship."

REECE CRAVENS, being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation--

(By Hastings)

Q What is your name? A Reece Cravens.

Q What is your age? A Between 41 and 2

Q What is your post office address? A Vinita.

Q How long has Vinita been your post office? A Between 5 and 6 years.

Q Did you ever live in Iola, Kansas? A Yes sir.

Q Ever live in Humbolt, Kansas? A Not exactly.

Q How far is Humbolt from Iola? A 8 miles.

Q Did you ever know a colored woman named Phillis Hayes? A Yes sir

Q Where? A Iola and Humbolt Kansas.

Q When did you know her in Iola? A '80 and '81, maybe further back than that.

Q Was she living there? A Yes sir.

Q Did she have any children? A Yes sir.

Q Name them? A One Lewis Brady, Sam Rogers, Little Dadie, he is dead.

Q Where did he die? A Humbolt.

Q You knew them first in Iola? A Yes sir.

Q Where did they go, to from Iola? A Humbolt.

Q How long did they live at Humbolt? A I knew her living in Humbolt--

I can't tell exactly what year she went there; she married a man named Hayes after that; it was the year she married.

Q When did she leave up there? A She left up there-- I don't know exactly the time, she left there right away after she married sometime in '81 or '82 and came here to the Nation.

Q How long did she stay here? A Only about six months.

Q Where did you next see her? A Humbolt.

Q Living there? A Yes sir came back there.

Q How long did she continue to live there that time? A When I left Iola Kansas and goes to Wichataw she was living there in Humbolt.

Q When was that? A When the Missouri Pacific was built from Fort Scott to Wichataw.

Q About how long ago was that? A After '80 and '81 that was when I left there, she was then living in Humbolt at that time.

Q You stated she married and come here six months and then come back have you seen her since that? A No sir, but I have seen her in Kansas but not at either of these places.

Q Do you know where she is living now? A No sir not exactly.

Q Did you see her here during the last payment? A Yes sir.

Q Do you know where she came from then? A I don't know exactly where she came from that time.

(By Smith)

Q When did you first know this woman Phillis Hayes in Kansas? A Iola

Q Where in Iola before she lived in Humbolt? A I knew her first

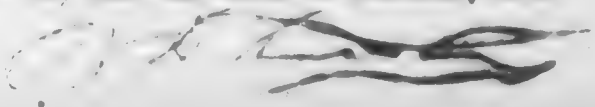
Q When did you first know her in Iowa? A In '80.
Q Didn't know her up till '80? A I might have known her before that.
Q It was somewhere around '80 or '81 that you first knew her? A Yes sir
Q What was she doing there? A Washing.
Q Cooking? A Yes sir.
Q Day's work? A Yes sir.
Q Have you ever been convicted of any offence? A Shooting a man
Q When? A '84.
Q What did they do with you? A Sent me to the pen.
Q For how long? A Three years.
Q Where to? A Leavenworth
Q Anything else? A Fighting.
Q Convicted of peddling whiskey? A I was convicted but I wasn't guilty.
Q You pleaded guilty to it didn't you? A Yes sir.

This will also be filed in Cherokee Freedman Doubtful cases, D-826,
D-1008 and D-825.

Chas. von Weise, being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full all
the proceedings in the above cases and that the foregoing is a full,
true and correct transcript of his stenographic notes therein.

(Handwritten signature)

Subscribed and sworn to before me this the 12th of October, 1901.



Commissioner.

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File with Lewis Hayes, C. F. D. 1003.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Cash et al., C. F. D. 825.

Appearances:

James S. Davenport for the Cherokee Nation.
Joseph Sequichie agent for the applicants.

THOMAS LAHAY being first duly sworn by Commissioner of the Interior,
testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Thomas Lahay.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A Ever since '82, I have resided continuously there; I have been in the country there for 30 years.

Q Are you in business in Fort Scott? A Yes sir, I have been in different kinds of business.

Q Since you have been residing in Fort Scott, have you become acquainted with a colored woman by the name of Bettie Cash? A Yes sir, knew her well.

Q Where was she living when you first got acquainted with her? A I don't know exactly what house she lived in, she lived in the bottom there near the mill.

Q When did you first get acquainted with her? A In '85.

Q She was then living at Fort Scott or in the bottoms near here?

A Yes sir.

Q After that time did you see anything of her? A Yes sir, I had a good deal of dealings with her about three or four years ago.

Q What kind of dealings did you have with her? A They bought a house and moved it on a lot and then they never paid any taxes for it, and I bought it in and got a tax deed after three years; I first paid the taxes in '88 and got a deed in '91.

Q Where was she living during that time? A On that place.

Q After that, what dealings did you have with her? A She rented from me after that for a dollar a month.

Q For how long? A I never charged her anything from two years and she staid there, but I had to get possession of the place or lose what interest I had in it and so then I made a rent contract with her and Cal, her husband for a dollar a month.

Q What was her husband's name? A Cal Cash.

Q How long did you rent that place to her and her husband? A I think it was in '93 that I commenced to charge, and they paid it up to about 3 or 4 years ago when they left, that is I got as much out of them as I could during that time.

Q Do you remember any circumstance of their leaving, or with reference to her going away for any time? A Yes sir she was gone a while, she came here to the Nation and recovered some money, I know I tried to sell her the place after she came back with the money but she didn't seem disposed to buy it, it was not worth much anyway.

Q Did you rent that place to her any after she came here and got that money? A Yes sir.

Q For how long? A About a year.

Q After that what became of her? A She quit her man, she left Cal and she went traveling around doing Missionary business as she called it. I had some dealing with her then and she wrote me a letter from up north somewhere.

Q What kind of business did you have with her then? A She was owing me some.

Q What kind of business did you say she was engaged in when she was traveling around? A She called it Missionary business, collecting money for churches, to build churches, she followed that for several years.

- Q Do you know where she is living now? A I do not know.
(By Mr. Sequichie)
- Q What is your name? A Thomas Lahay.
- Q What is your business? A I have been in different kinds of business. I have been principally in the loaning business.
- Q Ever loan Mrs. Cash anything? A Yes sir.
- Q What was it? A I kept a pawn shop and made loans in large amounts and small amounts.
- Q How long have you been loaning her? A I have had more or less dealings with her when she left there.
- Q When did she leave there—when was it? A She pawned some things there when she left.
- Q When did she leave? A I dont exactly remember, three or four years ago.
- Q You dont remember exactly? A No sir.
- Q You say she lived at Fort Scott in the bottoms? A Yes sir in the city.
- Q Did she own the property she was living on? A Yes sir.
- Q Who transacted for the property? A Her and Cal.
- Q Cal who? A Her man.
- Q Did she own that property? A Well she didn't have a clear title to it.
- Q You say she didn't have a clear title to it? A She had a mortgage on it, and —
- Q Then she didn't own it? A Well she held possession of it and had it mortgaged.
- Q Did she ever have a clear title to that property? A No sir.
- Q How long did she live in that house that wasn't really hers? A She had an equity in it, but there was a mortgage on it.
- Q How long did she live there? A They moved that house there in '87 that was that last house, the one I got a tax title to, they were renters before that.
- Q For how long before that? A 3 or 4 years.
- Q What were they doing there? A Cal was working at the Mill and she took in washing.
- Q Was it in '87 that you made that loan to them and had to take the property? A No sir I never said I made a loan to them on the property, I got the property for taxes.
- Q How much did you loan them on that property? A I never loaned them anything on it, they failed to pay the taxes and it was put up by the County Treasurer and I bought it is and afterwards got a tax title to it.
- Q How long did they live in that house? A From '87 until 3 years ago.
- Q Was she living there ever day? A No sir.
- Q Every week? A I cant say as to every week.
- Q Every month? A They was always there when I went after the rent.
- Q Did you go after the rent every month? A Not every month.
- Q She was not there continuously then? A I know she came here once and got some money.
- Q Did you have any conversation with her about her citizenship here? A I dont know that I did.
- Q How long did she stay here that time she came after the money? A Two or three weeks.
- Q How long since you saw her the last time? A 3 or 4 years.
- Q Where was she living when you last saw her? A Fort Scott.
- Q Was she keeping house and taking in washing when she left there? A No sir.
- Q What was she doing then? A Missionary work.
- Q What was she doing, building churches? A I dont know.
- Q Did she ever build a church in Fort Scott? A No sir, I dont think she even belonged to a church there.
- Q Did she ever tell you what kind of missionary work she was doing?

Q No sir I dont think she told me exactly.

Q Did she say that she had any personal interests in the Cherokee Nation? A She claimed that she got money here.

Q Isn't it a fact that you dont know from your own personal knowledge that she lived there from the time you knew her to this day? A That was her residence from '87 until she left, that one house.

Q Do you know of your own personal knowledge that she lived there continuously from the first time you saw her in Fort Scott until she left? A I saw her frequently and I know she was not gone any length of time.

(By Davenport)

Q Have you the lease that was signed up by her and her husband for that property? A Yes sir. (Hands attorney the lease)

(By Sequishie)

Q You said a while ago that the property was not worth much? A Not very much.

Q Well you made loans on it? A I never made any loans on it.

Q Thought you said you got it from them by reason of a loan? A No sir I said I got it at a tax sale.

Q What did she ever pawn to you then? A I dont know exactly, yes, when she got her money she came back and went to great extravagance and bought one of things they call a shirt waist and paid twelve dollars for it, and she pawned it to me for \$2.00 and I didn't make anything on it for I had to sell it for \$2.00.

Q Then she wasn't very extravagant was she if you only got \$2.00 for the waist? A She paid \$12.00 for it.

Q How do you know she paid \$12.00 for it? A That was what she said

Q What she said, do you know that she paid \$12.00 for it? A Only from what she said.

Q Don't know it of your own personal knowledge? A Never saw her pay the money for it, but she said she paid \$12.00 for it and it was a very fine piece of goods.

Q And you only got \$2.00 for it, who much did you make on that transaction? A Never made anything, I lost, I let her have \$2.00 on it and sold it for \$2.00

Q You were not much of a trader then were you? A Well I never made anything on that.

(By the Commission.)

Q When did she leave Fort Scott? A 3 or 4 years ago.

Q She lived there until that time? A Yes sir.

Q Was she gone a good deal running backwards and forwards through the country? A Of late years she did, there was a preacher there, a Bishop, Bishop W. W. Johnson who was getting women to collect money for him to build churches with and he gave the women half what they collected; he had no church and I told Bettie that she had a right to all of it; he was renting from me too.

Q What year was this that she commenced the Missionary business? A I think Bishop Johnson was sent to the pen for some offence a short time after she commenced.

Q What year was it? A About 8 or 9 years ago I think think that she commenced it.

Q And before that she lived there and took in washing A Yes sir.

(By Davenport)

Q Did she live there after she commenced this Missionary work? A Yes sir.

" The representatives of the Cherokee Nation offer in evidence the original lease between Thomas Lahay and Bettie and Cal Cash for the rent of property in the city of Fort Scott Kansas. "

BY COM'R NEEDLES: The lease will be filed.

EXHIBIT - ENTRY, being first duly sworn by Com'r T. B. Needles,
as follows, on the part of the Cherokee Nation:

- Q What is your name? A William Sexton.
- Q Where do you live? A Fort Scott, Kansas.
- Q How long have you lived there? A Since 1888.
- Q Since you have been living there did you get acquainted with a colored woman by the name of Bettie Cash? A I did.
- Q Did you know any of her family? A I knew her husband.
- Q What is his name? A Nelson Cash.
- Q About how long ago was it that you got acquainted with her, with Bettie Cash? A Some 15 or 18 years ago.
- Q How long did they live there to your knowledge? A They remained there until a few years ago.
- Q How many years back? A I think they have been gone from here probably some five or six years.
- Q Did they keep house there? A They did.
- (By Jor Sequichie)
- Q What did you say the husband of Bettie Cash was named? A Nelson.
- Q You are positive about that? A Yes sir.
- Q How long did he live there? A I got acquainted with them about 15 or 18 years ago.
- Q Where were they living when you first got acquainted with them? A When I got acquainted with him he was working in the mill there.
- Q How many mills did they have there in Fort Scott? A There one flouring mill there now.
- Q How many different kinds of mills did they have then? A When he worked at the Goodlander mill that had a custom mill there.
- Q How long did he work there at that mill? A I can't say.
- Q Were you near neighbors of these people? A I was acquainted with them.
- Q How often did you see Mrs. Cash? A Probably once or twice a week.
- Q How often did you see them every once or twice a week? A Probably for 15 years.
- Q Was Mrs. Cash living in Parsons continuously from the time you first knew her until she left? A Parsons?
- Q I mean Fort Scott? A Yes sir until perhaps 5 or 6 years ago, he left there and I don't know where he went and she remained there a short while after and then she left there.
- Q Where did they go? A I don't know where.
- Q Did you know anything about this woman, whether she ever claimed to be a Cherokee freedman? A I never knew it until she made the draw down here.
- Q What is Mrs. Cash's occupation? A Same as any other laboring woman, washing or working round.
- Q Did you know anything about her being a Missionary woman? A I think she claimed to be.
- Q You think, do you know? A I know it because one time she came to where I was working and asked for a contribution for church and said she was making collections.
- Q Did you give her anything? A No sir.
- Q Did she ask these donations from churches in Fort Smith or elsewhere? A Both there and elsewhere.
- Q You don't know when she was gone? A I could hear of her at different places.
- Q What year was the first year that you ever saw Mrs. Cash at Fort Scott? A It has been about 15 or 16 years since I got acquainted with her.
- Q That was in about 1867? A Probably in about '80.
- (By Davenport)
- Q Did you learn of her doing any other business besides washing or Missionary work? A No other business.
- Q What was her reputation there as being in any other business there than taking in washing or Missionary business? A No more than by reputation.
- BY Sequichie: " I object to that because he don't know, and the agent for the applicant calls the attention of the Commission that

he refers to the husband of Bettie Cash as Nelson, and this is not the person in question.

(By Davenport.)

Q What kind of looking man was Nelson Cash? A Tall dark looking man.

Q Do you know if he ever went by any other name than Nelson, of your own knowledge? A No sir.

Q You know he was the husband of Bettie Cash? A Yes sir.

Q And that Bettie Cash was the woman who solicited contributions for churches? A Yes sir.

Q What portion of the city did they live in? A Buck Run, some calls it, there by the Goodlander mills in the Bottom.

JOHN FORBES called and sworn by Con'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A John Forbes.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived there? A 33 years.

Q Since you have been living there did you get acquainted with a colored family named Cash? A Yes sir.

Q What name did the husband go by? A We always called him Cal.

Q What was the woman's name, if you know? A Bettie.

Q What kind of looking woman was Bettie, if you know? She was a brown or yellow looking woman.

Q About how long did you know her at Fort Scott? A I knew her for over 15 years.

Q When did you first get acquainted with her? A I think I first got acquainted with her in the Police Court.

Q About what year? A I think in '84 or '85.

Q They didn't have you and Bettie both up in the Police Court did they? A We were both there.

Q Do you know where they were living at that time, what part of Fort Scott? A Yes sir.

Q Where? A They were living in the portion that is now called Tudor-look, down by the Goodlander mill.

Q About how long did they live there after you got acquainted with them? A They lived there from about '84 or '85 up to within about six years ago, 5 or 6.

Q Do you know what business they were engaged in there? A Bettie used to wash there some and Cal used to work in the mill.

Q Did Bettie engage in any other work after that? A Yes sir she told me several times that she had gone into, what she called the Missionary business, I called it begging.

Q How long since you saw Bettie Cash or her husband? A I think it has been a couple of years since I saw Bettie Cash, she was gone for some time and then came back, I met her there in front of a clothing store and she got to talking to me and the proprietor of the clothing house.

Q You have been living there at Fort Scott how long? A 33 years.

Q What business have you been engaged in there? A Mostly in the newspaper business.

Q Editing a newspaper? A City reporter there for different papers and had a paper of my own for some time also.

(By Mr. Sequichie)

Q How far did you live from Mrs. Cash? A I think five or six blocks.

Q How long did you live that close to them? A I have been living that close for ten or twelve years.

Q Was Mrs. Cash at that house continuously from the time they moved there? A I don't know what you mean by continuously.

Q Every day, week or month? A As far as I know.

Q How often did you see her at that house? A Not very often at the house, I saw her most every day on the street.

- Q What is your business, are you a broker too? A No sir.
- Q What is it? A I have been doing newspaper work gone.
- Q How long have you been doing newspaper work? A For 30 years.
- Q What is Bettie Cash's husband's name? A Cal.
- Q What did he do? A Worked in the Goodlander mill the most of the time I knew him.
- Q Did you ever hear of Mrs. Cash leaving Fort Scott for other parts of the country? A Yes sir.
- Q Do you know how long she would be gone each time? A She wasn't gone over a month or so at a time, once she came to this country and got a lot of money and then come back.
- Q How long did she stay here then? A Couple of months I reckon.
- Q How long did she stay there after she come back with her money? A I can't tell myself, except that she said herself she staid long enough to spend most of her money there.
- Q Are you personally acquainted with her? A Yes sir.
- Q Have any dealings with her? A No sir.
- Q When was the last time that you saw her? A About six months ago.
- Q Where? A Fort Scott.
- Q Did she live then at the same place? A I dont know, I think she did, I wouldn't be positive about that.
- Q How long did she stay then? A I dont know.
- Q Is her and her husband living together now? A I dont know.
- (By the Commission)
- Q Do you know anything about her family, Bettie Cash's family, when she lived there, did she have any children? A Yes sir she had some children.
- Q Where were they? A They were there.
- Q Do you recollect anything about her being away on this Missionary business? A Yes sir, for the last three or four years.
- Q Were the children at Fort Scott while she was gone? A I think Cal had some of them and I think some of them were somewhere else.
- Q Did Cal live there when she was off on the Missionary business? A Part of the time he did.
- Q Would she come back to Cal when she came back from this business? A I think so; Cal and she had been fighting a good deal and didn't get along well.
- Q You dont know if she is separated from him? A No sir.

=====

This will be filed in Cherokee Freedman cases, F-25; D-903; D-926, and D-1003.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Chas. von Weise

Subscribed and sworn to before me this the 22 of October, 1901.

W. H. H. H. H. H.

Commissioner.

Lommet

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Bettie Cash et al., as Cherokee freedmen, consolidating the appli-
cations of:

Phyllis Hayes	Cherokee Freedmen D 902
Sam Rogers	Cherokee Freedmen D 926
Lewis Hayes	Cherokee Freedmen D 1003
Bettie Cash et al	Cherokee Freedmen D 825

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Phyllis Hayes for herself; by Sam Rogers for himself; by Lewis Hayes for himself; and by Bettie Cash for herself and her minor children, Augustus, William, Osie, John, Ethel, Hester, Calvin, Clarence and Toots Cash.

The evidence shows that Phyllis Hayes was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said Nation. The record further shows that the applicants, Sam Rogers and Lewis Hayes, are children of Phyllis Hayes, born since 1866, and possess no rights to enrollment except such as they derive through her. The name of neither of the aforesaid applicants is identified upon the 1880 authenticated roll of the Cherokee Nation.

The applicant, Bettie Cash, is identified upon the 1880 authenticated Cherokee roll as Dinah Lynch, native Cherokee. This is an error in classification; the applicant, Bettie Cash, possesses no Cherokee blood and claims no right to enrollment except as a Cherokee freedman.

The evidence further shows that the said Bettie Cash has maintained a home in the Cherokee Nation continuously since her enrollment in 1880, though she has been temporarily absent in the State of Kansas and elsewhere; that the applicants, William, Osie, John, Ethel, Hester, Calvin, Clarence and Toots Cash, are her children, born since the making of the 1880 roll, and have maintained a residence in the Cherokee Nation since birth.

It is further shown by an affidavit of death, which is filed herewith and made a part of the record in this case, that Augustus Cash died on June 18, 1897.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Phyllis Hayes, Sam Rogers and Lewis Hayes as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 490), and that Bettie Cash, William Cash, Osie Cash, John Cash, Ethel Cash, Hester Cash, Calvin Cash, Clarence Cash and Toots Cash should be enrolled as Cherokee freedmen, in accordance with the provisions of said section twenty-one of the act of Congress above cited, and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Augustus Cash as a Cherokee freedman be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tamc Cash

Chairman.

(SIGNED).

T. D. Needles

Commissioner.

(SIGNED).

J. H. Brockbridge

Commissioner.

Dated at Muskogee, Indian Territory,

this

Jul

FILED
AUG 3 1904
COMMISSION TO FIVE TRIBES.

THE ABOVE DESCRIBED REPORTS TO THE COMMISSION.

THE ABOVE DESCRIBED REPORTS TO THE COMMISSION.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Bettie Cash et al for enrollment as Cherokee Freedmen, consolidating the applications of,

Phyllis Hayes,-----	Cherokee Freedmen D 902.
Sam Rogers,	Cherokee Freedmen D 926
Lewis Hayes et al	Cherokee Freedmen D 1003
Bettie Cash et al	Cherokee Freedmen D 825.

The Cherokee Nation respectfully protests against the decision of the Commission in this case ordering Bettie Cash, and her children enrolled as Cherokee Freedmen and asks that the Bettie Cash case be forwarded to the Honorable Secretary of the Interior for Review.

The record in this case shows that the applicant Bettie Cash resided continuously in the State of Kansas from some time during the civil war until 1887 and since 1887 she has been in and out of the Cherokee Nation and for the five years next before making the application herein she seems to have spent most of her time in the Cherokee Nation and for this reason alone the decision of the Commission ordering Bettie Cash and her children enrolled should be reversed.

The testimony further shows that Bettie Cash is the Bastard child of Phyllis Hayes and Anderson Lynch and according to the statement of Lynch he never lived with the mother of Bettie Cash as his wife and Phyllis Hayes lived at one place and Anderson Lynch lived at another, and on Phyllis Hayes showing they were living together or rather their co-habitation covered the space of about a month. That Bettie Cash removed with her mother during the war of the rebellion to the State of Kansas and there lived with her mother to womanhood and at no time from 1865 until the year of 1887 did she see her reputed father or resided in the Cherokee nation near him.

So little did Anderson Lynch know of these people that in giving his

testimony he could not tell who was the mother of Bettie Cash, and furthermore so little did he know of Bettie Cash's name as given by her mother and her parentage that in enrolling her in 1880^{if} he did enroll her he gave her name as "Dinah Lynch" and her nativity "A native Cherokee."

He enrolled himself as a Cherokee Freedman, it is pertinent to inquire why did he enroll his child, if he did such, as a native Cherokee? Now the mother says the child's real name was "Bettie", it is pertinent to ask then who would know the child's name better than the mother considering all the facts and circumstances in this case?

In our general freedmen brief on page 86 it is shown that Anderson Lynch has testified for applicants in fifty-nine different freedmen cases and it is further shown that:

"He knew no dates whatever but 1866 and was always ready to testify following the Commission from place to place to pursue his calling. This is the same man that Fillmore Hicks swore in F. D. 505 that Aaron Martin gave a mule to him and Anderson Lynch to testify for him."

He is impeached in numerous cases as will be seen by referring to page 98 of our General Freedmen Brief.

This applicant relies for her enrollment upon the fact that ~~she~~ her name appears upon the 1880 roll and the Commission assumes the fact that the applicant is the Dinah Lynch whose name is upon the 1880 roll and decide in her favor for that reason.

We do not believe that the testimony of such witnesses as she has produced to show that fact would warrant her enrollment, further, each Cherokee Freedman under the 9th article of the Treaty of 1866 was granted the privilege of enrollment as a Cherokee Freedman under certain conditions; the obligation of the fulfillment of these conditions attached individually to these freedmen and no one could claim the right or exercise the right of proxy in this matter. Bettie Cash the applicant in 1880 if these witnesses may be believed, ~~she~~ had obtained her majority and even though Anderson Lynch may have been her father he had no right whatever while she was residing in Kansas to offer her name as a resident of the Cherokee Nation and have it placed on the roll of 1880 and Bettie Cash has no right different whatever from all other Cherokee Freedmen in the matter of this enrollment and we believe that in justice to the Cherokee Nation and a fair interpretation of the treaty that under the

law this applicant and her family should not be enrolled as Cherokee Freedmen; that she reached her majority two years before the making of the 1880 roll and she continued to reside in Kansas where she was a citizen as any other citizen of Kansas and we contend that because of her continuous residence in Kansas from the war of the rebellion until 1887 she should not now be enrolled.

We therefore earnestly protest against the enrollment of Bettie Cash and her children and believe that the decision of this Commission ordering them enrolled should be reversed.

Respectfully,

L. B. Bell

Attorney for the Cherokee Nation.



FD/1003

1 1 1 1 1 1
MAR 21 1902

~~Handwritten signature~~

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Lewis Rogers,
Cordayville, Tenn.,
Cherokee-Ind.-Ter. No. 1005.

Re: 1005.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Lewis
for enrollment as a Cherokee Freedman.

No. F. D. 1063

Hayes
Henry Pack, of lawful age, being duly sworn on
oath states that on the 18th day of September, A. D., 1901, he registered
to Lewis Hayes whose postoffice is Coffeyville Kan
~~_____~~, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 30th day of September, 1901, he received the return
card which is hereto attached, signed by the said Lewis Hayes, showing
that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this 30th day of Sept, A. D. 1901.

J. C. Starr

Notary Public.

No. D 1003

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } R. S.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. L. E. D.

2 1901

NOT CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Lewis Hayes
for enrollment as a Cherokee citizen:

Case No. D 1003

To Lewis Hayes Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 7th 10 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

L B Bell
Mr. W. Hastings
Attorneys for the Cherokee Nation.

31 2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 1 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

July 6, 1881
Floppaville Kas.
Levo

1. Name Lewis Hayes Age 34
 Owner's name _____ Citizenship _____
 Year 1880 Page 173 No. 4243 District Levo
 Parents:

Father

Citizenship

Mother

Citizenship

Phillis Hayes living Leher

2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____
 Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

[Large handwritten signature across the table]

Application made by

No. 1

Stenographer

J. C. Rosson1 On K. C. roll as Lewis HayesXRef 0 10 2

(Cherokee Freedmen

D-902 et al.

Muskogee, Indian Territory, July 23, 1904.

W. F. Hastings,

Attorney for the Cherokee Nation,

Winita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 22, 1904, in the consolidated case of Pallas Voss, et al., granting the applications for the enrollment of Little Cash, Willie Cash, Osie Cash, John Cash, Ethel Cash, Walter Cash, Calvin Cash, Clarence Cash and Toots Cash as Cherokee Freedmen, dismissing the application for the enrollment of Augustus Cash as a Cherokee Freedman, and rejecting the application of William Cash to join.

Within fifteen days from date hereof within which to file and protest, should a desire to make against the action of the Commission in this case, a copy of which, I trust you will be notified to forward to the principal applicant. If you fail to file protest within the time specified, the Commission will consider the matter final.

Very truly,

Encl. 1-902.

Respectfully,
W. F. Hastings.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTED IN REPLY TO THE FOLLOWING:
Cherokee Freedmen.
D-1003.

ADDRESS ONLY: THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 19, 1904.

Lewis Hayes,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, in the consolidated case of Phyllis Hayes, et al., rejecting, among others, your application for enrollment as a Cherokee freedman. There is also enclosed a copy of the record of proceedings had in your said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to Bettie Cash, et al., a copy of which protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Encl. S-59.
Register.

Cherokee Freedmen

D-602-024-1000-

225.

Wakarusa, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Phyllis Hayes, et al., for enrollment as Cherokee freedmen, including the Commission's decision, dated July 23, 1904, granting the application for the enrollment of Bettie, William, Ocie, John, Ethel, Wester, Calvin, Clarence and Toots Cash, rejecting the applications for the enrollment of Phyllis and Lewis Hayes and Sam Rogers as Cherokee freedmen, and dismissing the application for the enrollment, as a Cherokee freedman, of Augustus Cash, he having died prior to September 1, 1904.

You are advised that the Cherokee Nation protests against the action of the Commission in this case as to these applications granted, a copy of which protest has been furnished the said Bettie Cash by the attorney for the Cherokee Nation.

Respectfully,

Encl. S-60.

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, LRS
WASHINGTON.

I.T.D. 6178-1904

August 10, 1905.

LRS

Commissioner to the five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 27, 1904, the Indian Office submitted the papers in the consolidated applications for the enrollment as Cherokee freedmen of Phyllis Hayes, Sam Rogers, Lewis Hayes, and Bettie Cash for herself and nine minor children, and recommended that the decision of the Commission to the Five Civilized Tribes in favor of Bettie, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Teets Cash, and adverse to the application of Augustus Cash, Phyllis Hayes, Lewis Hayes, and Sam Rogers, be affirmed.

The Department concurs in the recommendation made as to all of the applicants except Bettie Cash and her children, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Teets Cash.

The nation protests against that portion of the Commission's decision in favor of Bettie Cash and her children, contending among other things that the testimony shows that Bettie Cash forfeited her citizenship in the Cherokee Nation by marrying and residing in Kansas for several years. This is the only material question

-2-

raised by the nation.

The testimony is not satisfactory. Apparently, Bettie Cash with her husband and some of her children resided in Kansas many years after her enrollment on the 1880 Cherokee roll.

The Department is not inclined to order the enrollment of this family without further opportunity being given the nation and the principal applicant to be heard.

The case is therefore remanded as to such family except Augustus Cash, who died June 15, 1887, and you will order a rehearing and in due time render such decision as you deem proper.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

2 inclosures.

Refer in reply
to the following: DEPARTMENT OF THE INTERIOR,
Land.
57385-1904. OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 27, 1904.

The honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Phillis Hayes for herself; by Sam Rogers for himself; by Lewis Hayes for himself; and by Fattie Cash for herself and her minor children, Augustus, William, Orie, John, Ethel, Hester, Calvin, Clarence and Toots Cash.

July 25, 1904, the Commission decided favorably upon the applications of Fattie, William, Orie, John, Ethel, Hester, Calvin, Clarence and Toots Cash, rejected the application of Augustus Cash by reason of his death June 16, 1897, and adverse to the other applicants.

The record shows that Phillis Hayes was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return prior to February 11, 1867. The record further shows that the applicants, Sam Rogers and Lewis Hayes

are the children of Phillis Hayes born since 1866, and possess no rights to enrollment except such as they derive through her. The applicant, Bettie Cash is identified on the 1860 authenticated Cherokee roll as Dinah Lynch, native Cherokee, being an error in classification. None of the other applicants is identified on the 1860 authenticated Cherokee roll, but the names of all who were of sufficient age are found on the Kern-Clifton roll, but no other.

In view of the record the approval of the Commission's decision favorable to Bettie Cash, William Cash, Ozie Cash, John Cash, Ethel Cash, Hester Cash, Calvin Cash, Clarence Cash and Toots Cash, and adversely to all the others is recommended.

Very respectfully,

A. C. Tenner
Acting Commissioner.

M.H.M.
W.

COPY

COPY

Cherokee Freedman D-625.

Muskogee, Indian Territory, August 17, 1905.

Willeto & Smith,

Attorneys for Phyllis Hayes et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 10, 1905 (I.T.D. 8178-1904), wherein the decision of the Commission to the Five Civilized Tribes, as to Phyllis Hayes, Sam Rogers, Lewis Hayes, and Augustus Cash, rejecting the applications for their enrollment, is affirmed by the Department, and the applications for the enrollment of Bettie, William, Ocie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash is remanded and a rehearing ordered.

Bettie Cash has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as to her residence in the Cherokee Nation subsequent to her enrollment on the 1860 authenticated Cherokee roll. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires.

N & S--2.

For your information there is herewith inclosed a copy
of departmental letter above referred to.

Respectfully,

Incl. GL-26.

WHL

(SIGNED).

W. O. Sullivan
Acting Commissioner.

Cherokee Freedman D-825.

Muskogee, Indian Territory, August 17, 1905.

Bell, Hastings & Bavenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 10, 1905 (I.T.D. 8178-1904), wherein the decision of the Commission to the Five Civilized Tribes as to Phyllis Hayes, Sam Rogers, Lewis Hayes, and Augustus Cash, rejecting the applications for their enrollment, is affirmed by the Department, and the application for the enrollment of Pettie, William, Osie, John, Ethel, Hester, Calvin, Clarence, and Toots Cash is remanded and a rehearing ordered.

Pettie Cash has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, August 31, 1905, and introduce testimony as to her residence in the Cherokee Nation subsequent to her enrollment on the 1880 authenticated Cherokee roll. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires.

B, H & D.-2.

For your information there is inclosed herewith a copy
of Departmental letter above referred to.

Respectfully,

Incl. CI-25,

CHL

(SIGNED).

Wm. O'Sullivan
Acting Commissioner.

Cherokee Freedman D-1003.

Muskogee, Indian Territory, August 17, 1905.

Lewis Hayes,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

Respectfully,

GHL

(SIGNED):

Wm O. Ball
Acting Commissioner.

COPY.

Cherokee Freedman D-1003.

Muskogee, Indian Territory, August 17, 1905.

Lewis Hayes,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

Respectfully,

GHL

Acting Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

10869
10441
H. C. H.

Lewis Hayes,

Coffeyville, Kansas.



REGISTERED
AUG - 20 1901
MUSKOGEE, IND. TER.

Cher. Fr. R 787

Cher. Fr. R 787

Trans. from Cher F.D 1010



DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,
Nowata, I.T. July 2, 1901.

In the matter of the application of Maria French for the enrollment of herself as a Cherokee Freedman by intermarriage and for the enrollment of her child as a Cherokee Freedman.

APPEARANCES:

L. L. Brown, Attorney for applicants.

W. W. Hastings, of council for Cherokee Nation.

Maria French, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q. What is your name? A. Maria French.
Q. How old are you? A. I am 48.
Q. What is your post office? A. Tenepah.
Q. What District do you live in? A. Cooweescoowee.
Q. You apply to be enrolled as a Cherokee Freedman? A. No sir, I am an adopted citizen.
Q. Who do you want to enroll? A. I have three children.
Q. Want to enroll yourself and three children? A. Yes sir, one is of age.
Q. What are your children's names? A. James.
Q. How old is James? A. He is 27.
Q. He must apply for himself, he is over 21, I want those under age? A. I have one under age, Emeline, she is 18 this fall

L. L. BROWN:

- Q. What was your husband's name? A. My husband went by the name of William French or William Willis.
Q. Now which is right, you to say? A. French I go by.
Q. You and your daughter, Emeline, claim citizenship through him? A. Yes sir.
Q. When were you first married? A. In '73.
Q. Where were you married? A. On Snow Creek.
Q. Is he living or dead? A. He has been dead ever since '82.
Q. You and him lived together as man and wife from your marriage in '73 up until his death in '82? A. Yes sir.
Q. During that time how many children were born to you? A. Five.
Q. Give me the names of them? A. James and Emeline and Larry.
Q. All three of them are living? A. Yes sir.
Q. Where were they born? A. On Snow Creek.
Q. In the Cherokee Nation? A. Yes sir.

ATTORNEY:

- Q. Where were you born? A. In Kentucky.
Q. How old are you? A. 48.
Q. When did you come to the Cherokee Nation? A. I came to this country 35 years ago.

- Q. You came here in '66? A. Yes sir.
- Q. Who did you come with? A. I came with my parents.
- Q. Settled on Snow Creek? A. Yes sir.
- Q. What was your maiden name? A. Little, I was the daughter of Stephen Little.
- Q. Did you ever have a child older than these? A. No sir.
- Q. This child that you have given here is the oldest child you have ever had? A. Yes sir.
- Q. Were you ever married before? A. No sir.
- Q. Never lived with anybody as his wife? A. No sir.
- Q. How long had you known your husband before you married him? A. I think I knowed him about four years.
- Q. Had he been married before? A. Not that I know of.
- Q. Did he have some children? A. No sir, not that I know of.
- Q. Have you any reason to believe that he was married before? A. I can't say because I didn't know him.
- Q. Haven't you made some inquiry about it? A. No sir, I didn't, there is people knows him better than me.
- Q. You have got no information at all upon that subject? A. No sir, he always said he never was married.
- Q. Who married you? A. Nathan Buffin.
- Q. Have you got a certificate of marriage? A. No sir.
- Q. Did you marry in the spring or fall? A. Married in August, August 10.
- Q. Lived with your husband until his death? A. Yes sir.
- Q. Where? A. Where at; at Fort Gibson.
- Q. Were you married to him? A. Yes sir, I was living with him but I wasn't with him when he died.
- Q. How long had he been at Fort Gibson? A. He went to take him mother home and was taken sick and died.
- Q. Where were you married? A. Married on California Creek.
- Q. Near what point? A. Not near any town, the nearest town to us was Coffeyville.
- Q. When was your oldest child born? A. In '74.
- Q. When was the next one born? A. She was born in '82, November 17.

Blue Thompson, being duly sworn by Commissioner Needles, testified as follows:

I. T. Brown.

- Q. State your name? A. Blue Thompson.
- Q. Your age? A. 51.
- Q. Your post office address? A. Watauga.
- Q. You a Cherokee Indian? A. Yes sir.
- Q. Do you know the applicant, Anna French? A. Yes, I know her.
- Q. Did you know her as a child? A. Yes sir.
- Q. What was his name? A. Bill French, or Bill Willis, either one of them, Bill Willis he was called until more till he got up quite a young man.
- Q. Then what did he do by? A. Bill French or Bill French.
- Q. How long did you know him? A. Well, I knowed him seven or eight years possibly.
- Q. Do you know whether he was a slave? A. No, I can't know whether or not he was a slave.
- Q. When did you see him for the first time after the close of the war? A. Fort Gibson.

- Q. In what year was that? A. In '66, right in the fall.
- Q. You know whether or not he lived in the Cherokee Nation from the time you saw him in '66 until his death? A. Well, I don't know personally, I know he came north from Gibson and the next time I met him he was married to her. I don't know whether he was inside all this time or not.
- Q. There was he living the last time you saw him? A. Well, I saw Mrs. French and him I think on Russell Creek the last time I saw him alive. That is as far as I can recollect.

MR. HASTINGS:

- Q. You didn't know this man before the war? A. No sir, didn't know him before the war.
- Q. About what age was he when you saw him? A. Well, I expect he was possibly fifteen or sixteen years old maybe, or maybe less.
- Q. You were not present at their marriage? A. Indeed no.
- Q. Do you know whether this man French married or lived with any one as his wife before he commenced to live with this woman? A. No, I used to run with him, he never had no wife.
- Q. Up to that time? A. No sir, that is I mean while he was at Gibson.
- Q. I mean at the time he and this woman commenced living together? A. You mean did he have any wife before that?
- Q. Before he and this woman commenced living together, no while he was at Gibson? A. No sir, not to my knowledge.
- Q. Well, do you know? A. No, you know I can't know only Fort Gibson.
- Q. I am trying to get into the record whether or not you know? A. Well, I don't know.
- Q. Did you know this woman before he and her commenced living together? A. I did.
- Q. Have you any information as to whether she married before that or not? A. I have not.
- Q. Don't know about that? A. No sir.
- Q. With whom was French or Willis living when you first saw him in '66? A. Well I don't know who he lived with, I think he stayed with Will Smith sometimes and first one place and then another, he was just a lad of a boy.
- Q. Just a lad of a boy? A. Yes sir.
- Q. That time did you see him? A. About in the fall, kinder late in the fall, I know it was getting kinder cold.
- Q. You don't know what he was doing? A. Well, once in a while we would go around and chop up a little fire wood, and kinder work around a little bit.

Ward French and Willis Smith.

MR. HASTINGS:

- Q. You state now that you never married and you never had a child before you married or commenced living with French? A. Yes sir.
- Q. I want to know if you can give me the exact date of the birth of this child? A. I can't.
- Q. Tell, give it to me? A. I can't give you a date or 26.
- Q. In what year? A. I can't.
- Q. Did you apply for a license to marry at the Territorial Commission? A. Yes sir, I did.
- Q. By what name, French? A. Yes sir, I applied for all of my children, their names are Willis, French, and French.
- Q. In the name of French? A. Yes, it is Willis or French.

L. D. Daniels, being duly sworn by Commissioner Needles, testified as follows:

- BY L. T. BROWN: What is your name? A L. D. Daniels.
- Q Your age? A 56.
- Q Postoffice Claremore? A Yes sir.
- Q You a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Your name on the Authenticated Roll of 1880? A Yes sir.
- Q Know the applicant, Mariah French? A Yes sir.
- Q Know her husband? A Yes sir.
- Q Living or dead? A He is dead.
- Q To whom did he belong at the beginning of the Civil War? A Well, I don't know of my own knowledge.
- Q When did you see him for the first time after the close of the war? A I seen him in '66 sometime, I am not certain what time it was, but at Fort Gibson.
- Q Know whether or not a continued to live in the Cherokee Nation until his death? A I know that he stayed there over a year and I never seen him any more then for seven or eight years, maybe longer.
- Q Where was he living then? A When I moved up here he was up here.
- Q With whom was he living? A With Maria French; that is Bill French
- Commissioner: Do you know whether he had ever been married or lived with anybody else as his wife when he and this woman commenced living together? A No, when I moved up here they were living together.
- Q You don't know what became of him '66 or '67 till that time?
- Q No sir, not till I come up here.
- Q In '77? A Yes sir.
- Q You don't know what time in '66 you saw this boy? A Yes I do, he was there in the summer of '66 and he stayed there a while.
- Q Who did he live with? A Sometimes I would see him with Son Tolley, his young master; I don't know that of my own personal knowledge, only what he said.
- Q You don't know what he was doing down there? A Just walkin' around there like all the balance.
- Q Did his father live there? A I don't know his father.
- Q Did his mother live there? A His mother wasn't there at that time.
- Q Do you know what his mother's name was? A Wandy Gillis.
- BY L. T. BROWN: Was Son Tooley a Cherokee Indian? A Yes sir.
- Q Was William French recognized around there as the former slave of Son Tooley?

Mr. Davenport: I object to that.

Commissioner: I hardly think that is admissible.

Luster Foreman, being duly sworn by Commissioner Needles, testified as follows:

- BY L. T. BROWN: State your name? A Luster Foreman.
- Q Your age? A About 50 or 50, I don't know just exactly.
- Q Postoffice address? A Vinita.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Does your name appear upon the Authenticated Roll of 1880?
- A Yes sir.
- Q Do you know the applicant, Maria French? A No sir.
- Q Did you know her husband during his lifetime? A Yes sir.
- Q What was his name? A William French.
- Q How long did you know him, Mr. Foreman? A I knowed him about two years.
- Q Do you know to whom he belonged at the beginning of the war?
- A No sir.
- Q Do you know where he was in the year 1862? A Yes sir, part of the time.
- Q Where was he? A In Fort Gibson.

- Q Do you know how long he continued to remain there around Fort Gibson during that year? A That is the time I got acquainted with him, he was there in '66 up till '67, along about there I guess, I don't know exactly what time, he stayed there till his mother came.
- Q Who is his mother? A Mandy Gillis.
- Q She living or dead? A Dead.
- Q He came to Fort Gibson before his mother did? A Yes sir.
- Q How long before? A I don't know how long he came there in '66 stayed with old Mrs. Gillis a while and Son Tooley.
- Q Did William French have any sisters? A Yes sir.
- Q Do you know who returned first, his sister or he? A Will French returned first.
- Q What is his sister's name? A Alfred Smith's wife, I have only heard her name.
- Q Where does she live? A In Fort Gibson.
- MR. HASTINGS: You never knew this boy before the war? A No sir.
- Q That was the first time you had seen him, was after the war?
- A Right in Gibson, yes sir.
- Q You were living there at that time? A Yes sir.
- Q Was this boy married down there? A Not as I know of.
- Q Did he have anybody for his wife? A I don't know that either.
- Q Don't you know whether he was living down there with someone for his wife? A No sir, he was just about like I was then.
- Q How were you? A I didn't have anybody, just running around.
- Q What makes you remember you saw him there 35 years ago, specially in the year '66? A Son Tooley and myself used to gamble around.
- Q You have been gambling ever since? A No sir, I have farmed.
- Q And you know you saw him there at that time? A Yes, I knowed him, I am well acquainted with him.
- Q About how old was he at that time? A You asked me too soon again, I can't tell nothing about anybody's age.
- Q What size was he, a young man? A Oh he was a young man about like myself.
- Q How old were you at that time? A I don't know, I don't know my age today.
- Q You never saw him after that time? A No sir, I haven't seen him since.
- Q You don't know this is his wife? A Did I say she was.
- Q He asked you all along in his questions did you know this woman's husband; did you say he was her husband or not? A No, he asked me about Will French, and I told him.
- Q He said every time, this woman's husband, Will French, and you have testified he was her husband? A I don't know about her, I know about him, that is what I am testifying about, him.
- Q You don't know then that she ever lived with him? A I don't know it.
- Q And you don't know he was her husband? A I don't know nothing about that lady, she is a stranger to me.
- Q And you don't know whether she was the same person or not?
- A I don't know anything about it.
- Commissioner: You know William French and that is all you know about it? A Yes sir, I know him personally.

Charlie Chambers, being duly sworn, as Commissioner Needles, testified as follows:

- BY L. T. BROWN: State your name? A Charlie Chambers.
- Q Your age? A 70 years old.
- Q Your postoffice address? A Gibson.
- Q Are you a recognized citizen of the State of Oklahoma? A Yes sir.
- Q Is your name upon the authenticated roll of 1890? A Yes sir.
- Q Know the applicant, Maria French? A Yes sir.
- Q Know her husband during his life time? A Yes sir.
- Q Know whether or not they were ever married? A Yes sir.
- Q How do you know it? A I was right there in the country when they married.

- Q What is her husband's name? A Bill French
- Q Do you know whether Bill French had a sister or not, or did you know her? A Yes sir.
- Q What was his sister's name? A I can't just recollect her name, but I know he had a sister.
- Q Did you know Bill French's mother's name? A Yes sir, her name was Amanda.
- Q Amanda who? A Amanda Gillis.
- Q Do you know whether this Bill French and this applicant here, Maria French, continued to live together until his death? A Yes sir.
- Q Do you know her son, James French? A Yes sir.
- Q At the time he was born were they living together as man and wife? A Yes sir.
- Q Do you know her daughter, Emeline? A Yes sir.
- Q At the time she was born were they living together as man and wife? A Yes sir.
- Q So recognized in the country? A Yes sir.
- Commissioner: Was William French a slave, do you know?
- A I think he was.
- Q Do you know whether he was or not? A Yes sir, he was a slave.
- Q Who did he belong to? A Belonged to Mrs. Gillis.
- Q Was she a Cherokee citizen? A Yes sir.
- Q How do you know he belonged to Mrs. Gillis? A I saw him there, and he said himself; his mother stayed there, and I know his mother belonged to her.
- Q You saw him at Mrs. Gillis' place? A She was living over on the river.
- MR. HASTINGS: Near what river was he living? A On Illinois
- Q Now what time were you ever there? A Why, my goodness, I was over there right often, I lived close to their master.
- Q What age was this boy when the war came up? A I can't tell you that.
- Q Was he grown? A No sir, he wasn't grown.
- Q Was he married before the war? A No sir.
- Q What was his mother's name? A His mother's name was Amanda.
- Q What was his sister's name? A I just can't tell her name.
- Q Was his sister older or younger than he? A I don't recollect whether he was older or younger, but I know it was his sister.
- Q Did he have any other brothers or sisters? A I don't know about any other brothers.
- Q Have any other sisters? A I think he did.
- Q Why don't you remember their names if you knew this boy? A This boy and me were together a great deal.
- Q Were not you about 20 years older than him? A No sir.
- Q Was he about the same age as you? A No sir, he was little younger than me.
- Q About how much younger? A I can't tell you.
- Q Where were you living when the war came up? A Per Hill.
- Q Where was this boy living? A Living over on the river like I told you.
- Q What place on the river? A I can't tell you just which place he was living now but he was living over there near Dave's place
- Q On the east or west side of Illinois river? A On the west side.
- Q And how far from town? A I guess it was about six or seven miles, maybe that far.
- Q What was his "mistress" name? A Mrs. Gillis.
- Q What was her husband's name? A His name was Bill French.
- Q Do you know his father's name? A No sir, I don't know his; that is the name we used to call her, Mrs. Gillis.
- Q Did they have any children, the Gillises? A Yes, but I did not know them, I don't think they had any children.

- Q You don't know Preacher Allen's wife at Tahlequah is one of them?
A Yes sir.
- Q When did you see this boy first after the war? A The first time I seen him I saw him when I came up to this ~~place~~ part of the country, on Snow Creek.
- Q About what time was that? A That was sometime in '67.
- Q Was he and this woman married then? A They were not married then.
- Q About how long after that were they married? A It was quite a little while, I guess about a year or two after I came up here, before they married.
- Q Was he living with any woman in '67 up here as his wife?
A Not as I know of.
- Q Was he living near you? A He was just riding about among his own people there, riding around, I saw him first one place and then another.
- Q How long after you came up here till you got acquainted with this woman; did you know her before she married him? A Yes sir, I knew her before she married.
- Q Did she have a child before they ~~were~~ married? A I think she did.
- Q Do you know who married them? A No sir, I don't know who married them.
- Q You don't know about the year? A No, I don't know what year they were married in.
- Q Do you know who she had been living with as a husband and wife prior to her marriage. A No sir, I don't know any more than just living with her father.
- Q Where has she lived since the death of French? A Why she has lived, well she was living on California Creek first.
- Q Since his death where has she been living? A She has been living right there on the Verdigris river on the west side up there close to Lenepah.
- Q Where are these children that she is applying for? A Up there, some of them.
- Q Where are the rest of them? A I guess she has got them here with her.

Maria French, recalled, testified as follows:

- MR. HASTINGS: Mr. French you appeared before the Kern-Clifton Commission, didn't you? A Yes sir.
- Q And at that time you only applied for two children, didn't you?
A Yes sir.
- Q You swear now you have three? A I do sir; I first applied to Lenepah for four and one was very sick when I applied and she died on the 8th of April, 1896, and that left three, and when I came to the payment Mr. Turner said he couldn't find but two.
- Q Now you swear that you applied for three children? A I applied for four.
- Q And you heard what Charles Chambers said about you having a child before you married? A I can't help what Mr. Chambers said, I know all the children better than Mr. Chambers.
- Q Have you been married since the death of your husband? A No sir, never.
- Q Who do you live with? A I live with my daughter and I keep my hired hands, is all the help I have.
- BY L.T. BROWN: You own a farm upon the public domain of the Cherokee Nation? A Yes sir, over a half mile across the river from Goose Neck Bend.
- Q How long have you been on that place? A I have had that farm since my husband's death.
- Q Before that time, did you own an improvement on the public domain?
A Yes sir, my husband had a little farm on California Creek and it was very thickly settled, and he had a children left that farm

and moved up close to my people so I could get protection for my children.

Commissioner: Did you ever have a child born before you married William French? A No sir, my children is all French's children

Q The question is whether either of your children were born before you married French? A No sir.

Q You never had a child until after you married French? A No sir.

Q Never had an orphan child around with you or an adopted child?

A No sir, no adopted or orphan child.

Q Mr. Chambers is mistaken then? A Yes sir, I have no orphan child, they all are mine.

Q When Mr. Chambers said you had a child before you married William French, he is mistaken, is he? A I guess he is.

Q There is no question about it, you ought to know? A I say he is.

Q You say positively you never did? A No sir, I never did.

Q Is your name on any of the rolls of the Cherokee Nation? A I have been.

Q Did you ever draw any money from the Cherokee Nation? A I never did.

Q For yourself or your children? A The two children drew, that is all.

Q Which two? A Jim and Emeline.

Q Why didn't you draw? A I don't know sir, I was an intermarried

Q Did you husband ever draw any money? A No sir.

Q Is his name on any of the rolls of the Cherokee Nation? A It was on the authenticated roll every time.

Q Is it there now? A I don't know, sir I have asked them to look for it, he says they can't find out; if you will allow me to tell you; I was going to tell you he was on the 1880 roll once, my husband and Cuskey Brown got in some trouble here.

The 1880 authenticated roll of Cherokee Freedmen examined and neither applicant, Maria French, or her husband, William French, identified thereon.

The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicant, Emeline French, identified thereon, page 131, No. 3255, Cooweescoowee district, as Emaline French.

Commissioner: Maria French applies for the enrollment of herself and her daughter, Emeline. She applies for the enrollment of herself as an intermarried citizen. She avers that she was married to one William French in the year '73, and he died in the year 1882. She avers that he was the slave of Mrs. Gillis, and there is testimony presented to that effect. She avers that during said marriage life there was born unto her one child, Emeline, 16 years of age, and Emeline is identified upon the Kern-Clifton roll, but cannot be identified upon any other roll. She avers that her maiden name was Little, that she was a non-citizen. She was married in '73 to her husband, William French. No proof of marriage other than that they lived together as man and wife, is presented. For particulars see testimony. She makes satisfactory proof as to residence, consequently Maria French will be listed for enrollment as an intermarried Cherokee Freedman upon a doubtful card. Said Emeline French will also be listed for enrollment as a Cherokee Freedman on a doubtful card. She will be notified by mail of the action of the Commission and the same is advised.

Supplemental testimony.

Katie Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Katie Vann.
Q Your age? A 56.
Q Your postoffice? A Lenepah.
Q You know Maria French? A Yes sir.
Q How long have you known her? A Let's see, I have known her about 25 years.
Q Did you know her husband, William French? A Yes sir.
Q Did you know Maria French before she and William French were married? A Yes sir, I saw her, I wasn't very well acquainted with her. William
Q Did she have any children before she and French were married?
A One.
Q What was its name? A Mary.
Q Do you know whether or not Mary is still living? A Yes sir, she is married.
BY L.T.BROWN: How do you know it was her child? She said it was her child and I seen her with it when it was small, taking care of it.
Q That child living or dead? A It is living.
Q What is its father's name? A I have forgotten its name, I did know once who its father was, I heard them all talking about it, calling his name; some of them here can tell you his name better than I can; I wasn't acquainted with him.

Nelson Murrell, being duly sworn by Commissioner Needles, testified as follows:

- BY J. S. DAVENPORT, Cherokee Attorney.
Q What is your name? A Nelson Murrell.
Q Your postoffice? A Coffeyville.
Q Do you know Maria French? A Yes sir.
Q Did you know her husband, William French? A Yes sir.
Q Did you know her before she and William French were married?
A Yes sir.
Q Had Maria any children before she and William French was married? A One.
Q What was its name? A Mary.
BY L.T.BROWN: Is it living or dead? A Living.
Q What is its father's name? A We called him Markham, I believe.
Q How do you know it is her child, you were not present, were you?
A No, but she was living about 200 yards from me.
Q How do you know, if you lived in 200 yards of her? A I don't know all she said, it was her child.
Q Just heard it was? A Yes sir.
Commissioner: Did you see this child in this woman's arms?
A Yes sir.
Q Saw her nursing it? A Yes sir, seen her nursing it, everybody there knew it was her child; that is, all the neighbors and everybody.
Q Was her mother living there? A Her stepmother.
Q Was she living in her stepmother's house? A Yes sir.
Q That before she married French? A Yes sir.
Q How long before? A Along about six months.
L.T.BROWN: Did you know William French during his life time?
A Yes sir.
Q Know whether or not William French and Maria French were married?
A Yes sir.

Q Were you present at their marriage? A Yes sir, married right in my house.

Commissioner: Who married them? A I have forgotten.

Q Was the child there? A Yes sir.

L. T. Brown: Know her child, Emeline? A Yes sir.

Q Know her child, James French? A Yes sir.

Q Were they born after the marriage of William and Maria? A Yes sir

Mr. Hastings: Do you know what time they were married? A I can't tell you exactly, but they were married in my house.

Applicant: You say I was married in your house? A Yes.

Q How come me to be married in your house, wasn't my father living right there, wasn't I living in the house with my father? A Yes; we had a meeting over there and you and French got married.

Q How come me to leave my father's house to be married in yours?

A Because we had a meeting there, the preacher was there and you came over and married.

Maria French recalled, testified as follows:

Commissioner: Where was this child born? A Born in my father's house.

L.T.Brown: Mrs. French, have you made application to this Commission for any child by the name of Mary? A No sir.

Q You have heard the statement of Nelson Murrell and Katie Vann relative to your having a child prior to your marriage to William French? A Yes sir.

Q Is it true or not? A Yes sir.

Q Is it true? A Yes sir.

Commissioner: You were mistaken then when you said you didn't have, in your examination in chief? A Yes sir.

Q Is that child living? A Yes sir, I have made application for Mary.

Q She married? A Yes sir, I told you it was married.

Q You told me you didn't have any child before you married William French? A I didn't have any before I married William French.

Q Why don't you apply for her? A Because she wasn't his.

Q You said you applied for your four children at one time? A I did, I had five by William French; three of them however is dead. I don't feel satisfied. I want you to call Mr. Chambers and ask him if I was married in uncle Nelson's house; I wouldn't tell a lie for the Territory.

Q You don't appear to have done so.

--c00--

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a

true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES.

Sworn to and subscribed before me this the 13th of July, 1901.

T. B. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, upon her oath states: That the above and foregoing is a full, true and correct copy of the original testimony in the matter of the application for enrollment of Maria French, et al., as Cherokee Freedmen, taken at Nowata, Indian Territory, on the 2nd day of July, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this March 9, 1905.

Myron White
Notary Public.

X-1010

the agreement between the representatives of the

COMMISSION TO

AUG 1 1902

RECEIVED

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Kellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209, filed in the Mariah Hayden case F D 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Mariah French, D 1010;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because: First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident of
the Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cants be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Department of the Interior, Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-144
Henry Thomas,	Cherokee Freedmen D-145
Ellis Vann,	Cherokee Freedmen D-146
Mary Markham,	Cherokee Freedmen D-147
Frances Melton,	Cherokee Freedmen D-148
John Dotson,	Cherokee Freedmen D-149
Mary Jane Vann,	Cherokee Freedmen D-150
Thomas Lowe,	Cherokee Freedmen D-151
BNA Mayner,	Cherokee Freedmen D-152
Sallie Rider,	Cherokee Freedmen D-153
Reuben Campbell,	Cherokee Freedmen D-154
Van Jackson Luther,	Cherokee Freedmen D-155
Gessie Middleton,	Cherokee Freedmen D-156
Mary Harsh,	Cherokee Freedmen D-157
Nellie Fields,	Cherokee Freedmen D-158
John Kimbo,	Cherokee Freedmen D-159
William S. Madden,	Cherokee Freedmen D-160
Jane Bean,	Cherokee Freedmen D-161
Albert T. Thomas,	Cherokee Freedmen D-162
Mary Campbell,	Cherokee Freedmen D-163
Caroline Daniels,	Cherokee Freedmen D-164
Mervin Atchey,	Cherokee Freedmen D-165
Dave Morris,	Cherokee Freedmen D-166
Alexander Chaggett,	Cherokee Freedmen D-167
Amanda Martin,	Cherokee Freedmen D-168
Kliza Martin,	Cherokee Freedmen D-169
John E. Barnes,	Cherokee Freedmen D-170
Ben Davis,	Cherokee Freedmen D-171
Samuel Brown,	Cherokee Freedmen D-172
Howard F. Watson,	Cherokee Freedmen D-173
Jack McConnell,	Cherokee Freedmen D-174
Maudie Mauley,	Cherokee Freedmen D-175

George Reed, Sr.,
Buck Ledman,
Ball Thompson,
Lewis Scott,
Abe Scott,
Fender Laughton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jana Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Rose,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Katie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellie Warren,
Minnie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Dawn,
Makinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D-382,
Cherokee Freedmen D-406,
Cherokee Freedmen D-411,
Cherokee Freedmen D-430,
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Cherokee Freedmen D-743,
Cherokee Freedmen D-752,
Cherokee Freedmen D-753,
Cherokee Freedmen D-760,

Samuel Le Boeuf,
John Blackney,
Willie Gray,
Lillard Bowlin,
Mallinda Marrell,
Charles Claggett,
Samuel Brown,
Mary Brown,
Maggie Nave,
Neema Nave,
Ellie Rosey,
Elizabeth Duncan,
Sadie Adams,
Guertie Ann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrigg,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deekman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Mann,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D-762,
Cherokee Freedmen D-789,
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Cherokee Freedmen D-1000,

Cherokee Freedmen B-1406
Cherokee Freedmen B-1401
Cherokee Freedmen B-1419
Cherokee Freedmen B-1414
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Cherokee Freedmen B-1425
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Cherokee Freedmen B-1411
Cherokee Freedmen B-1431
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Cherokee Freedmen B-1468
Cherokee Freedmen B-1469
Cherokee Freedmen B-1465
Cherokee Freedmen B-1478
Cherokee Freedmen B-1481
Cherokee Freedmen B-1490
Cherokee Freedmen B-1411
Cherokee Freedmen B-1494
Cherokee Freedmen B-1487
Cherokee Freedmen B-1447

1. *Chlorophyll a* (Chl *a*)
 2. *Chlorophyll b* (Chl *b*)
 3. *Chlorophyll c* (Chl *c*)
 4. *Chlorophyll d* (Chl *d*)
 5. *Chlorophyll e* (Chl *e*)

Bennett; by Kender Lupton for himself; by Thomas H. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Vera Peterson; by Mattiah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Coatt for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lida Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Oattie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ada Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Sasaki Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elisa Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Davis, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Hart, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Shappard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. R. FRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

MAR 2 1962

1844

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Martha French,

Lenape, I. T.

Cherokee - F-D-1010.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

2

X 101010.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUL 2 1901
FILED



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

July 2, 190
Lenapeh St.
Geo

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

17. Name of wife

Mariah French

Age

48

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Agnes

Year

Page

No.

Dist.

4.

Emeline French

Year

Page

No.

Dist.

5.

Year

Page

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Dist.

6.

Year

Page

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7.

Year

Page

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Dist.

12.

Year

Page

No.

Dist.

Application made by

Stenographer

2 On K.C. roll as Emeline French

Presented by Louis F. Brown

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

121 12 12 12
AUG 16 1901

[Handwritten signature]

NO. 100,000,000

COMMISSIONERS

HENRY L. DAWES,
TAMM STUBB,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of July 2nd, 1901, in the
matter of the application of Maria French et al for enrollment as
Cherokee Freedmen.

Louis T. Brown
Agent for Applicants.

Cherokee Freedmen #D1010.

COPY.

Cherokee Freedmen
D 1010

Muskogee, Indian Territory, January 5, 1905.

Emeline French,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 20, 1904, asking that the Commission render a decision in the matter of your application for enrollment as a Cherokee Freedman, at an early date.

In reply you are advised that this matter will be taken up in the near future, and when a decision has been prepared you will be furnished with a copy.

Respectfully,

SIGNED)

Tame Dixby.

Chairman

COPY.

Cherokee Freedman
D-1010.

Muskogee, Indian Territory, January 24, 1905.

Maria French,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your agent, Louis T. Brown, Tahlequah, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame D. Brown
Chairman.

Encl. L-107.

Respectfully,

CO,

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melten, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Beam, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gofmart, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klacie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Nellie Robinson, Mary Webber,

Frances Martin, Mary Riley, Eashual Taylor, Henry Spivey, Larkin E. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamalrig, Elsie West, Maria French, Mary Johnson, Maggie Vann, William Dabbs, Sarah Rogers, Abraham Ballard, Laura David, John Dabbs, John B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Louis McDermall, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Carter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Graves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Incl. K-8.

James D. Dancy,
Chairman.

Through the
Commissioner of Indian Affairs.

COPI

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ress, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

Charles, Alice Dumas, Fehaley Ward, Fred D. Williams, Bettie Smith, Ellis Warren, Willie Robinson, Mary Vetter, Frances Harris, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dyer, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Fuolmer, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hava, Keoma Hava, Ella Ross, Elizabeth Dumas, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Marie French, Mary Johnson, Maggie Vann, William Hagson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Eliza Sheppard and Lula Maltan, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be glad to see you at any of the times in
the course of the year.

Respectfully,

(SIGNED) *James Bixby.*
James Bixby.

Incl. R-0.

COPY.

Cherokee Freedmen
Bill et al.

Muskogee, Indian Territory, January 24, 1905.

Louis T. Brown,
Attorney for John Dotson et al.,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of John Dotson, Dave Morris, Bell Davis, John L. Bowlin, Bettie Beck, Elizabeth Duncan, Lula Sanders, Maria French, Maggie Vann, and William Hudson as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James D. Dotson
Chairman.

Encl. L-116.

Register.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 29, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Glaggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hamley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kianis Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Reck, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Amie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Streud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Nelson.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

-2-

of the Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee Roll.

In view of the record and of the ruling of the Department of November 12, 1906 (I. T. B. 3443-1906) in the Lancel Welcome case, the approval of the Commission decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.M.M.
V.

(C O P Y)

D.C. 20577-1905
I.T.D. 2904-1905.

W O F
P H E

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Karlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McCannell, Maude Manley, George Reed, Sr., Jack Ledman, Bell Thompson, Lewis Scott, Abe Scott, Vender Lempton, Thomas E. Allen Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rene, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Vurant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry
Sykes, Markin P. Powell, Stephen Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary M. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buchner, Willis Cox, Leonard
Howles, Malinda Murrell, Charles Claggott, Samuel Irvan, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggott, Mattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Kasir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Lettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Cassie Goldsby, Susan Daniels, Anderson Lane, David Lane,
Melix McClain, Henderson Jones, Belle Vann, Levi Arnold, John
Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-1010.

Muskogee, Indian Territory, April 28, 1905.

Mariah French,

Lenapeh, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905,

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

PY.

Cherokee Freedmen

D-1010.

Muskogee, Indian Territory, April 28, 1905.

Louis T. Brown,

Attorney for Mariah French,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Mariah French as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

ED. Tame Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Waskagoo, Indian Territory, April 28, 1906

Bell, Hastings & Newport,
Attorneys for the Cherokee Nation,
Waskagoo, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

Tams Bixby.
Chairman.

COPY

Cherokee Freedmen

No. 14, et al.

Wadegoo, Indian Territory, April 25, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tame Bixby*
Chairman.

COPY

Cherokee Freedmen

D-1010.

Muskogee, Indian Territory, May 26, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment of Emeline French as a Cherokee Freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tame Dixby.
Chairman.

Incl. S-74

Cher. Fr. R. 788

Trans. from Cher. Fr. D. 1014

Cher. Fr. R. 788

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., July 2, 1901.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

Judy Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Judy Chambers.
- Q How old are you? A I don't know how old I am, I was a girl time of the war.
- Q Have you any idea how old you are? A I was a girl, a young girl, in time of the war.
- Q What is your postoffice? A Benge.
- Q What district do you live in? A Sequoyah!
- Q Do you apply to be enrolled as a Cherokee Freedman?
- A Yes, sir.
- Q Who do you want to enroll besides yourself? A My children.
- Q How many have you got? A I have seven.
- Q Well, give me the names of your children? A Rufus Warren.
- Q How old is he? A Well, he was born in time of the war, I don't know my children's ages.
- Q He is of age? A Yes, sir.
- Q I want the children under age and not married? A Oh, well now Dennis.
- Q How old is Dennis? A About 14 or 15 as near as I can guess.
- Q What is the next one? A Annie.
- Q How old is Annie? A I can't hardly tell you how old she is, about 12 or 13.
- Q What is the next one? A That is all, just only two under age.
- Q You have got five married then? A Yes, sir, the oldest one that I have got isn't married.
- Q Have you got any witnesses here? A Yes, sir.
- Q Who are they? A Uncle Nelson Murrell and Ben Grinnett and Dennis Beam.
- Q Your name on any of the rolls of the Cherokee Nation? A Yes, sir.
- Q What roll? A I went to all the enrollments, but I never drew any money only on the Wallace roll.
- Q Are you married? A No, sir, not now.
- Q Were you ever married? A Yes, sir.
- Q How many times? A I have been married twice.
- Q What was your first husband's name? A Warren, belonged to some people named Little.
- Q Did he have any other name besides Warren? A That is all the name I ever heard.
- Q Not John, or anything? A No, sir, just Warren.
- Q Is he living? A No, sir, he is dead, I am a widow woman.
- Q What was your second husband's name? A His name was Columbus.
- Q Columbus what? A Columbus Gilbreath.
- Q Is he living? A No, sir, he is dead.
- Q Who is the father of Dennis? A Ben Payton.
- Q Never was married to him at all? A No, sir.
- Q What is Dennis' name? A Dennis Payton.
- Q Who is the father of Annie? A Annie Johnson, her father was Albert Johnson.
- Q Never married to him either? A No, sir.
- Q Have you got any children by any of your husbands? A Yes, sir, Rufus Warren, he is here to speak for himself.
- Q Were you a slave? A Yes, sir.
- Q Who did you belong to? A Sam Chambers.
- Q Was he a Cherokee citizen? A Yes, sir.

Judy Chambers - 3.

Q Were you taken out during the war? A No, sir.

Q Never been out of the Cherokee Nation? A No, sir.

Q Always lived in the Cherokee Nation? A Yes, sir.

Q Why isn't your name on the roll of 1880? A I don't know, sir, I think I was attending court and didn't get there.

Q Sam Chambers was your master? A Yes, sir.

Q Where were you born? A Sam Chamber's.

Q You never been out of the Cherokee Nation in all your life?

A No, sir.

Q Never lived out of it? A No, sir.

Mr. W.W. Hastings, Cherokee attorney: You were sold out of here before the war though? A No, sir.

Q You know a man named Gilbreath? A Yes, sir, I know a man named Gilbreath.

Q He lived in Arkansas? A No, sir, lived close to old man Chambers.

Q He was a white man? A No, sir.

Q Sam Chambers sold you to Gilbreath before the war? A No, sir, never belonged to anybody named Gilbreath in my life.

Q Sam Chambers never sold you before the war? A No, sir.

Q Now where did Sam Chambers live? A Sam Chambers lived in Flint district close to Clear or Spring.

Q He was the father of Boon, or L. D. Chambers; you know Boon Chambers? A Yes, sir, me and Boon Chambers sucked mothers at the same time.

Q He was your young master? A Yes, sir, and Anderson Chambers and Ben Chambers and Bill Chambers.

Q They were your young masters? A Yes, sir.

Q You knew them when the war came up? A We were all together.

Q Living on the same place when the war came up? A Yes, sir.

Q Now who did you stay with during the war? A First one and then another, sometimes Peggy Woodall and sometimes Polly Cornsilk, and sometimes I was at Mrs. Quinton's, first one place and then another, didn't have no particular home when I was turned out, I didn't know where to go, I had to go with some because I was left by myself.

Q Where did the first of the war find you? A Found me up close to Mrs. Quinton.

Q Was that in Flint district? A No, sir, in Going Snake.

Q How long did you live there after the war? A Been there all the time until about 13 or 14 years ago I moved in Sequoyah district.

Q That is the first time you ever saw Dennis Bean? A No, sir, Dennis Bean stayed to our house all the time. ~~xxxxxxx~~

Q Before the war? A No, sir, not before the war, his mother knew me all her life.

Q When did you first meet him, how long after the war? A I can't tell just exactly when.

Q About how long after the war? A I reckon about three or four years after the war.

Q Where did you first see him? A I saw him at Adeline Johnson.

Q That was in Sequoyah district? A No, sir, in Flint.

Q That was the first time you saw him? A Yes, sir, since the war.

Q You never saw Dennis before the war at all? A No, sir; that is right, if I saw him I don't recollect it.

Q When did you see Uncle Ben Grinnett after the war? A I saw him off and on all the time, but I can't tell you exactly what time I saw him after the war.

Q About what time after the war? A I can't tell you, because I wasn't studying about any such.

Q Where was the first place you saw him after the war? A I think the first place must have been Tahlequah when we were there to draw

Judy Chambers - 8'

the bread money.

Q That was your first recall of it? A Yes, sir.

Q Where did you see Marshall first after the war? A It was at a camp meeting time.

Q Where at? A They called it Bethel Camp Ground.

Q That was after the war? A Yes, sir.

Q How long after? A Two or three years after the people got civilized.

Q Had you ever seen him before the war? A Yes, sir.

Q Where at? A At Mr. Chambers' place.

Q How long before the war? A I was just a little girl, and I don't know nothing about it, I don't know nothing about the war, when it was.

Taking of testimony continued by stenographer Chas. von Weise.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 15th of July, 1901.

J. B. A. C.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 25 1901



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July, 2d, 1901.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

CONTINUED FROM STENOGRAPHER BRUCE O. JONES.

NELSON MURRELL called and sworn as a witness for the applicant by Commissioner T. R. Needles, testified as follows—

- Q What is your name? A. Nelson Murrell.
Q What is your age? A. About 70.
Q What is your post office address? A. Coffeyville.
Q Do you know the applicant? A. Yes sir.
Q How long have you known her? A. Ever since she was a girl.
Q Who owned her before the war? A. Sam Chambers.
Q Was he a Cherokee citizen? A. Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A. I don't know.
Q When did you first see her after the war? A. 67.
Q What part of 67? A The first of March at Fort Smith Arkansas.
Q When did you next see her? A. To the Wallace court.
Q When next? A. Here.

By W. W. Hastings, Cherokee representative—

- Q What were you doing at Fort Smith when you saw her first? A I was a witness in the United States court.
Q In what case? A. I don't know what case.
Q What was the charge? A I don't know.
Q Don't you know the man's name against whom the case was had? A. No sir I forgot.
Q And that was in March of 1867? A Yes sir, if my memory serves me right.
Q But you don't remember the case? A. No sir.
Q You don't know what the man was charged with? A. Yes sir I think it was stealing a horse.
Q Was he tried before the Federal court there? A. Yes sir.
Q For something that he had done up in this country? A Yes sir.
Q How far did you live from this woman before the war? A. Three miles.
Q What was her mother's name? A. Vigy Chambers.
Q How long before the war did you see her? A 10 years.
Q And at that time she belonged to Sam Chambers? A. Yes sir.
Q Did he sell her at the time the war came up? A I don't know.

SEN CRIMMETT called and sworn as a witness for the applicant—

- Q What is your name? A. Sen Crimmett.
Q What is your age? A. 25.
Q What is your post office address? A. Nowata.
Q Do you know this applicant? A. Yes sir.
Q How long have you known her? A. Ever since she was a baby.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Sam Chambers.
Q When did you first see her after the war? A. I haven't seen her since two years ago.
Q Was that the first time that you saw her since the war? A. Yes sir.
Q How do you know that it is the same woman you saw before the war? I know it.
Q Was she a baby in arms when you first saw her? A. No sir she was a baby up high (indicating)
Q And you can tell that this is the same person whom you saw as a baby before the war? A. Yes sir.

By Hastings-

Q Do you know that she lived there with Sam Chambers as his slave when the war came up? A. Yes sir.

Q Where did Sam Chambers live then? A. In Flint district.

Q And this woman was living with him? A. Yes sir.

Q Sam was Boon Chambers' father? A. Yes sir.

Synthe Commission-

Q If you saw a baby 35 years ago and was to see her today, you would know her at once would you? A. If she was that size I would.

By Hastings-

Q You are the same fellow that was whipped for stealing at Tahlequah?

A I don't know anything about it.

Q Were you or were you not that fellow? A I won't tell you anything about it.

DENNIS BEAN called and sworn as a witness for the applicant-

Q What is your name? A. Dennis Bean.

Q What is your age? A. 43 I guess.

Q What is your post office address? A. Muldrow.

Q Do you know the applicant? A. Yes sir.

Q How long have you known her? A. I have known her ever since '71.

Q Where did you know her then? A. In Flint district.

Q Did you know her before that? A. No sir.

Q Do you know if she was a slave? A. No sir.

Q Do you know if she was taken out of the Cherokee Nation during the war or not? A. No sir I don't.

Q Applicant not found on the 1880, 1886 or Kiam Clifton rolls.

Wallace roll examined and the applicant found as follows-

Page 106 No. 2264, Judy Chambers, Sequoyah district.

Page 106 No. 2269, Dennis Paden

Do not

Q Where was Daden born? A. In Flint district Cherokee Nation.

Q Where was Anna born? A. In Sequoyah district.

Q What are the names of your other children? A. Rufus Warren and Cynthia Johnson, Dave, his name is Joe but we call him Dave.

Q Joe what? A. West.

Q He is not a son of either one of your husbands? A. No sir.

Q What is the next one? A. Pollie Paden.

Q Is she married? A. Yes sir.

Q What is her name now? A. Rose.

Q Is Rufus a son of either one of your husbands? A. Yes sir of the first one.

Q What is the next one named? A. Gilbreth London, ~~that is another woman~~

By Com'r Needles,-

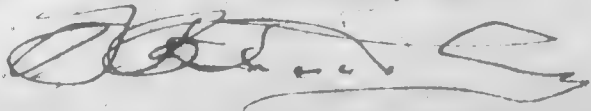
Judy Chambers applies for herself and for two children Dennis Paden and Anna Johnson, when she was one of her children. She is not identified on any of the rolls except the Wallace roll, her child Dennis Paden is also identified on the Wallace roll. Anna Johnson is not identified on any roll. She avers that she was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the war and returned in 1866. She and her two children named herein will be listed for enrollment as Cherokee freedmen on a special card. It will be necessary

for her to file proof of birth as to her daughter Anna Johnson.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings of the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 16th of July, 1901.



Commissioner.

~~7256~~

70 10543

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Judy Chambers for enrollment
as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

L. T. Brown, agent for applicant;

W. W. Hastings, of counsel for Cherokee Nation.

L. D. CHAMBERS, appearing before the Commission and being duly
sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. D. Chambers.

Q How old are you Mr. Chambers? A Well I am supposed to be 58 or
'9.

Q What is your postoffice? A McKee.

Q What was your father's name? A Samuel Chambers.

Q Where did your father live before the war? A He lived in Flint
District.

Q Cherokee Nation? A Yes, sir.

Q You are a Cherokee citizen by blood, are you? A Yes, sir.

Q You are sometimes known as Boon Chambers, a nick-name? A Yes, sir.

Q Did your father, Sam Chambers, ever own a colored girl by the
name of Judy? A Yes, sir.

Q What became of Judy? A Well, she was sold before the war to some
parties living over towards Cane Hill.

Q Where is Cane Hill, what state? A It is over in Arkansas, east
of Flint district where I lived.

Q How far did you live from the state line? A I suppose 12 or 13
miles.

Q How long before the war was that? A Well, the best I can recol-
lect, it must have been some seven or eight years before the war.

Q You remember to whom she was sold? A No, sir, I can't place
the place, I can't remember the name, of the party that bought her
and taken her over the line.

Q You say they were living over the line? A Yes, sir.

Q Over in Arkansas? A Arkansas, Cane Hill, somewhere in the
neighborhood of Cane Hill there..

Q Did your father own her at the time the war came up? A No,
she was done sold.

Q Well, he never rebought her, never repurchased her? A No, sir.

Q He never owned her then? A No, sir.

Q Did you ever see her after the war? A No, sir, I never have met
up with her, I have heard of her.

Q You don't know anything about her whereabouts? A No, sir, I don't.

Q To whom did Judy Chambers belong before your father came into
possession of her? A Well I don't know, I think she was born some-
where about the place there.

Q Then she belonged to your father from birth up to the time you
say he sold her? A Yes, that is my best knowledge of it.

Q You don't know to whom she was sold? A I can't remember the
name, I can't remember the party that bought her.

By L. T. Brown: Nor what amount of money your father received for
her? A No, sir.

Q Were you present when the sale was made? A I was there at home,
yes.

Q There in the room? A Yes.

Q Right there when the sale was made? A I was on the place when
she was taken off.

Q You don't know anything about how much he received for her?

A No, sir.

Q Don't know who he sold her to? A I can't remember the man's

name that bought her.

Mr. Hastings: Do you know whether the person that bought her was a Cherokee or a white man? A Well, I can't say that, Mr. Hastings, she was bought and taken over the line and she never returned any more.

Q That is all you know about it? A That is all I know.

Q You don't know who he was? A No, sir.

L. T. Brown: You don't know what he was? A No, sir.

Q Where did you see her for the first time after you claim she was taken over the line? A I never saw her to this day; if I have I didn't know her.

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BENNY KING, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Ben King.

Q What is your age? A I will be 65 in March.

Q What is your postoffice? A Tahlequah.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q You know this witness here, Boon Chambers, L. D. Chambers? A Yes, sir.

Q Did you know his father, Sam Chambers? A Yes, sir.

Q Did you know a colored woman he once owned by the name of Judy?

A Yes, sir.

Q How far did you live from Sam Chambers before the war? A Before the war, different times, one time we lived in about three quarters of a mile.

Q Do you know what became of Judy? A They sold her across in the states to a man that Bill Harnage just a while ago told me his name but I have forgot it already.

Q You think his name was Gilbert? A Well, it is Bill Harnage's uncle.

Q You don't remember the name yourself? A No, sir.

Q You remember it now? A I don't know how long I would remember it.

Q Well, what was his citizenship, United States or Cherokee? A The one that bought her, citizenship was Washington County, Arkansas.

Q Did you ever see Judy Chambers after the war? A Yes, sir.

Q About when was that? A It was either in '71 or '72 there at the man's that bought her, living on his place.

Q In Arkansas? A In Arkansas, I eat my supper there with her.

Q Was she still there with them? A I eat my supper there with Judy.

Q This woman was still there? A Yes, sir, she had three children at the time.

Q What was their names? A She never told me their names, she said, there is my three children.

By L. T. Brown: What is the nearest postoffice to this place in Washington County, to this man's residence where you ate supper? A I don't understand you.

Q What is this man's postoffice that you say you ate Judy Chambers?

A Why I have never inquired the postoffice.

Q What is the nearest place around there? A To my knowledge, is Gene Hill, the nearest place around there.

Q Then you say she was sold about how long before the war? A 7 or 8 years before the war as well as I remember.

Q You remember how much Mr. Chambers got for her? A No, sir.

Q Did you see the money counted over? A I wasn't there.

Q You wasn't there? A No, I just heard it rumored he had sold her.

L. T. Brown: Agent for the applicant desires to ask

that the testimony of this witness be stricken out, on the ground that it is purely hearsay.

Q Now this man to whom she was sold, you say he was a citizen of the State of Arkansas? A Yes, sir, Washington County.

Q How do you know it? A Why he was living there, both were whites.

Q That is how you know it? A They were always considered that and Bill Harnage told me his half sister was a white woman and his brother-in-law was a white man.

Q Couldn't he have been a resident of the State of Arkansas and not a citizen? A Well, he might have been, but they were presumed to be white.

Q All you know of this sale is what you heard? A No, what she had told me.

Q What did she tell you? A Told me she was sold to that fellow.

Q When did she tell you that? A In '71 or '2.

Q Where at? A At her old master's house in Washington County, Arkansas.

Q How come the conversation to come up? A I stopped there quite a while, I think it was in the fall of the year, I wanted to warn, I had come from Dick Bean's mill, and after I went in the house and seen who it was, I said Judy I want my supper, I had know her from a girl, and she gave me my supper and we got to talking, and I says, where did Uncle Sam Chambers sell you, and she said, right here to this man.

Q You say she was sold eight years before the war began? A Seven or eight.

Q How long was it from the time you say she was sold until you saw her again in Washington County, Arkansas? A Give me a pencil and I will soon tell you, and a piece of paper (witness does some figuring); it was near onto 17 years after she was sold I believe that I seen her.

Q About how old was she then? A Well, when she lived with my father and my stepmother she was about 12 or 13 years old, that was along in '52 or '53, now you can count from then down to then I guess, you are a lawyer.

Mr. Hastings: Did she say where she had been living over there when you saw her in '71 or '2? A She had been living right there at that place with her old master.

L. T. Brown: Did she say that? A I asked her where she had been living ever since she had been sold, as old acquaintances.

Commission: This testimony is to be filed in the following Cherokee Freedmen cases: D-1014, Judy Chambers; D-1016, Polly Powe, D-1024, Rufus Warren.

-----0-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his sworn notes thereof.

Sworn to and subscribed before me, this 14th day of September, 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UNITED STATES
FILE 1325
JUL 17 1901

7 190

File with Cherokee Freedman, D-1014, Judy Chambers.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Judy Chambers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicant;

W. T. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Comes now the Cherokee Nation and protests against the examination of this witness, for the reason that she was examined in full before upon all the three points in issue, namely, as to her ownership prior to the war, her return after the war, and her continuous residence since, and this is only a repetition of the testimony brought out in the first place, and that the Cherokee Nation has only offered evidence against these three points originally brought out by the applicant herself.

Commissioner (to agent) What do you want to examine her on?

L. T. Brown: The gentleman testified the other day that he had a conversation with this lady, and I want to show whether he did or not.

JUDY CHAMBERS, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: What is your name? A Judy Chambers.

Q Are you the applicant in this case? A I am, yes, sir.

Q Do you know a man by the name of Ben King? A No, sir, I don't.

Q Did you ever have a conversation anywhere in the State of Arkansas with a man by the name of Ben King, in which you stated that you had been sold to a citizen of the State of Arkansas a few years before the war and had lived in the State of Arkansas up until that time?

A No, sir.

Q Were you anywhere in the State of Arkansas during the year 1874?

A No, sir, I wasn't.

Mr. Hastings: You know Ben King, don't you? A Yes, sir.

Q You knew him before the war? A Yes, sir, he was my young master.

Q You claim to belonged to his father? A Yes, sir, he was my young master.

Q You don't deny that? A No sir, I don't, don't deny that I was a slave.

Q Did you ever live in Kane Hill, Arkansas? A Yes, sir, I was there and cooked.

Q Who for? A Mr. McClelland

Q Charley McClelland's outfit? A His father.

Q You knew him then before the war? A No, sir, it was after the war.

Q How long did you cook for him? A Five years.

Q Did you ever know a man over there by the name of Gilbreath?

A No, sir.

Q Never heard of him? A No, sir.

Q Or Gilbert? A No, sir.

Q Never heard of them? A No, sir, never heard of them at all.

Q You know Ben King? A No, sir.

Q You remember everybody you saw 25 years ago? A No, sir, I don't.

Q Lots of people you saw last year you don't know; don't know lots of people you talked to last year, you don't know? A That is right.

Q You don't know what you said to me five years ago? A No, sir.

I don't.

- 2 -

Q You don't remember meeting me five years ago? A I remember seeing you here.

Q You remember what you told me then? A No, sir.

Q Any of it? A No, sir. I can't tell you, I might tell you some of it though.

Q You don't undertake to tell conversations you had with people 35 years ago, do you? A No, sir, because I can't.

Q Especially when there are strangers passing along? A Yes, sir.

D. J. Brown. Have you any children? A Yes, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of October, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Judy Chambers, et al., as Cherokee Freedmen, consolidating the
applications of

Judy Chambers, et al.,...	Cherokee Freedmen	D 1014
Rufus Warren,.....	"	D 1024
Clark Dannenberg, et al.,	"	D 1063
Joe West, et al.,.....	"	D 1064

D E C I S I O N .

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Judy Chambers for herself and her minor children, Dennis Paden and Annie Johnson; by Rufus Warren for himself; by Clark Dannenberg for himself and his minor child, Essie Dannenberg; and by Joe West for himself and his minor children, George and Bessie West.

The evidence shows that the principal applicant, Judy Chambers, was born prior to the commencement of the rebellion, but it does not appear that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence shows that all the other applicants herein are her descendants born since the commencement of the rebellion and have no rights to enrollment except as such descendants. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark Dannenberg, Essie Dannenberg, Joe West, George West and Bessie West as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 11 1904

Commissioner.

INDIAN TERRITORY,

CHEROKEE NATION

I hereby certify that I served the within notice of

by delivering a true copy thereof on the

day of Sept A. D. 1901

Given under my hand this

day of Sept A. D. 1901

Marshal for the Cherokee Nation.

I, the under-signed attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of Judy Chambers
for enrollment as a Cherokee citizen:

Case No. D 1014

To Judy Chambers Bengo I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.**

Indian Territory, on Sept. 20th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

L B Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

N
18 1014

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

F. I. T. H. O.
SEP 26 1901



COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLIBON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. H. Gibson S. I. 9/26/01

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
J. H. Chambers for enrollment as
Freedmen of the Cherokee Nation.

No. FD 1014

Louis T. Brown
Agent for applicant

Cherokee Freedmen
1-1014.

Muskogee, Indian Territory, March 19, 1904.

Judy Chambers,

Pence, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Dennis Paden and Annie Johnson, as Cherokee freedmen. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. D-9.

Cherokee Freedmen
D-674 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William H. Robinson et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of William H., James A., Jennetta, Charles S., Amanda K., John S., Ollie and William D. Robinson, Josie A. Slaughter, Sadie Smith, Tebe Robinson, Melvina, Cora, Jesse and Allen Martin, Martha M. Hill, Luvada Martin, Annie Jones, Savannah Hill and Luther Daniels as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-2.

Cherokee Freedmen
No. 1014 et al.

Cherokee, Indian Territory, March 19, 1904.

W. . Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Judy Chambers et al., rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

G. B. Thompson

Enc. 1-14.

Commissioner in Charge.

Cherokee Freedmen
L-1014.

Muskogee, Indian Territory, March 19, 1904.

Louis T. Brown,

Agent for Judy Chambers et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Judy Chambers et al., rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Clark and Essie Damsenberg, Joe, George and Bessie West as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. D-13.

Refer in reply
to the following:
Land.
19426-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Judy Chambers for herself and her minor children, Dennis, Paden and Annie Johnson, by Rufus Warren for himself; by Clark Dannenberg for himself and his minor child, Essie Dannenberg; and by Joe West for himself and his minor children, George and Bessie West.

March 11, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Judy Chambers, was born prior to the beginning of the war of the rebellion, but it is not clearly established that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion. All of the other applicants are her descendants born since the beginning of the war and have no right to enrollment except as such descendants.

None of the names of the applicants is found on the 1880 authenticated Cherokee roll. The applicants, Judy Chambers, Dennis Paden, Rufus Warren, Clark Dannenberg and Joe West are identified on the Wallace roll and Joe West is also identified on the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.

W.

D.C. 40882-1904
I.T.D. 7662-1904.

(COPY)

DEPARTMENT OF THE INTERIOR
WASHINGTON.

W.C.F.
J.P.
FBI
L.R.S.

October 20, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory,

Gentlemen:

March 19, 1904^m you transmitted the record in the consolidated Cherokee freedmen case of Judy Chambers, et al (F.D.-1014 et al), including your decision of March 11, 1904, rejecting the application for the enrollment of Judy Chambers, Dennis Peden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West.

On July 19, 1904, the Department received a petition, signed by Rufus Warren, requesting a rehearing in the matter, alleging newly discovered evidence. The petition fails to show, however, that the evidence which the petitioner desires to submit, could not have been procured by due diligence at the original hearing. The petition alone is insufficient to justify the Department in remanding the case to you for further hearing, if it not being supported by affidavits.

Reporting September 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed)

Thos Ryan

Acting Secretary

1 inclosure .

COPY.

Cherokee Freedmen
D-1014

Muskogee, Indian Territory, October 29, 1904.

Judy Chambers,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Dennis Paden and Annie Johnson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-1014 et al

Muskegee, Indian Territory, October 29, 1904

Louis T. Brown ,

Attorney for Judy Chambers, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Clark and Essie Dannenberg, and Joe, George and Bessie West, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman

COPY.

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, October 29, 1904.

Hell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Clark and Essie Dannenberg, Joe, George and Hessie West, and Rufus Warren, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

SIGNED: *Tams Dixby.*
Chairman.

Muskogee, Indian Territory, February 11, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 23, 1906, by Rufus Warren and Denis Paden for a rehearing of their Cherokee freedmen enrollment cases. The reply of the Attorney for the Cherokee Nation to said motion, filed July 5, 1906, is also enclosed, together with the applicants' reply to that of the Nation, filed July 14, 1906. Attached to the motion is an affidavit signed by C. W. West, who signs by mark, and Jerry Vann, who only state that they knew Judy Chambers and that she was a slave of Sam Chambers, a Cherokee citizen, at the commencement of the war of the rebellion..

The applicants in this case only claim the right to enrollment as Cherokee freedmen as descendants of their mother, Judy Chambers, who claimed to have been the slave of a Cherokee citizen at the commencement of the war of the rebellion.

Secretary-2

The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, rejecting the application for the enrollment of, among others, Rufus Warren and Denis Paden, was affirmed by the Department October 20, 1904 (I. T.R. 7662-1904), the Commission finding that "the evidence shows that the principal applicant, Judy Chambers, was born prior to the commencement of the rebellion, but it does not appear that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion."

L. W. Chambers testified on September 20, 1901, that he is a son of Sam Chambers, alleged owner of the mother of these applicants, Judy Chambers; that his father at one time owned said Judy Chambers, and that his father sold her to a citizen of the State of Arkansas "some seven or eight years before the war."

Ben King also testified on that date and stated that " they sold her (Judy Chambers) across in the States

Secretary-8

to a man that Bill Harnage just awhile ago told me his name, but I have forget it already," and that said person "is Bill Harnage's uncle."

In view of the above it is not considered that a satisfactory showing is made as to why the motion herein should be granted, and it is respectfully recommended that the same be denied.

Respectfully,

Through the Commissioner
of Indian Territory,

Encl. B-1

Commissioner

(C O P Y)

Land
18726-1907

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

March 2, 1907

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed a report from Commissioner Bixby dated February 11, 1907, transmitting a motion for rehearing in the Cherokee freedman cases of Rufus Warren and Dennis Paden. The application has been carefully examined. It contains no merit and it is recommended that it be denied. The Office has inadvertently mislaid the record in the case and is unable to find it.

Very respectfully,

C. F. Larrabee

GAW-GH

Acting Commissioner/

(C O P Y)

Y P
L L B

DEPARTMENT OF THE INTERIOR,

D.C. 13322-1907

WASHINGTON.

I T D. 7714-1907

March 4, 1907

L R S

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Rufus Warren and Dennis Paden, received with your letter of February 11, 1907, and Indian Office letter of March 2, 1907 (Land 15725), is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

A copy of Indian Office letter is inclosed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) R. A. HITCHCOCK
Secretary

1 inc. and 2 to Ind. Of.

W C F 3/5/07

REFER IN REPLY TO THE FOLLOWING:

Cherokee P
R 788.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 2, 1907.

Dennis Paden,

Benge, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Chas. H. Rodgers

Encl.C-7
LMC

Acting Commissioner.

Cherokee W.
R 490.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Rufus Warren and Dennis Paden, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

C. R. Rogers

Acting Commissioner.

Encl.C-8
LMC

10

3D 1074

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date

Post Office

District

July 21/1881
Sequoia ST.
Sequoia

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

17. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

28.

Names of Children:

Year

Page

No.

District

31.

Names of Children:

Year

Page

No.

District

5.

Names of Children:

Year

Page

No.

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6.

Names of Children:

Year

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Names of Children:

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District

9.

Names of Children:

Year

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10.

Names of Children:

Year

Page

No.

District

11.

Names of Children:

Year

Page

No.

District

12.

Names of Children:

Year

Page

No.

District

Application made by

No. 1

Stenographer

B. G. Jones

= Birth off. to be supplied.

W. H. W. W. W.

MAR

1951

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Judy Chambers,
Range, I. T.
Cherokee-S-D-1314.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



~~Dennis Padon,~~

~~Indian Territory.~~

~~James H. Bragg~~
~~Box 141~~

LR 788

~~Office
Johnson~~

Cher. Fr. R. 789

Trans. from C. Fr. D. 109

Cher. Fr. R. 789

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 2d, 1901.

In the matter of the application of Joseph Rowe for enrollment as a Cherokee freedman; being sworn by Commissioner T. F. Needles, testified as follows- (Applies also for his wife as an intermarried freedman.

J. T. BROWN, agent for the applicant
W. W. HARTMAN, for Cherokee Nation;

BY COMMISSIONER:-

- Q What is your name? A Joseph Rowe.
Q What is your age? A 61 or 2.
Q What is your postoffice? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A No body.
Q Is your name on any of the rolls? A Yes sir, Fern Clifton.
Q Not on the 1880 roll? A No sir.

BY BROWN:-

- Q Were you a slave in the Cherokee Nation at the beginning of the Civil War?
A No sir, I was a slave carried out by George Starr to Texas.
Q Were you a slave of a citizen of the Cherokee Nation? A Yes sir.
Q And his name was George Starr you say? A Yes sir.
Q Was he a Cherokee by blood? A Yes sir.
Q When were you taken out of the Cherokee Nation? A Before the war
Q When did you return? A In '65.
Q Where have you lived since then? A I went back to Texas in the spring of '66 and settled up some business and come back here in the fall of '66.
Q Since your second return in '66 have you been here ever since?
A Yes sir, here and in the Creek Nation.

BY THE COMMISSIONER:-

- Q Why is your name not on the roll of 1880? A I don't know.
Q Did you ever apply to the Cherokee authorities to have it placed there? A No sir.
Q Did you apply you apply to the Tallice court? A Yes sir.
Q Did you draw Tallice money? A Yes sir.

Applicant not on the 1880 and 1890 rolls.

Fern-Clifton roll examined and the name of the applicant found as follows - Page 140, No. 3479 Cooweescoowee district.

Tallice roll examined and the applicant found as follows-
Page 138 No. 283, Cooweescoowee district.

BY THE COMMISSIONER:-

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a citizen? A Yes sir.

- Q Do you apply for her also? A Yes sir.
 Q What is her name? A Maggie.
 Q What is her age? A 50.
 Q She is not a Cherokee freedman? A No sir.
 Q State woman? A Yes sir.
 Q Where did you marry? A Here in Cooweescoowee district.
 Q Had she been married before she married you? A Yes sir.
 Q Who to? A Berry Ward.
 Q Who to? A Berry Ward.
 Q Was he a Cherokee citizen? A Yes sir.
 Q Was he living when you married her? A Dead.
 Q Were you married before? A Yes sir.
 Q Was your first wife living when you married this one?
 A She was dead.
 Q When did you marry Maggie? A 3 years ago.
 Q She was a widow then? A Yes sir.
 Q Have you any proof of marriage between she and Berry Ward?
 A She has her papers.
 Q And you claim her citizenship through Berry Ward? A Yes sir.

The applicant presents a marriage license and certificate certifying that he was married to Maggie Ward on the 7th day of August 1899 according to the laws of the United States, license being issued by the United States court at Vinita; it is returned to the applicant.

BY HASTINGS:

- Q You applied to the Fern Clifton court in '96? A Yes sir.
 Q You testified then that you belong to David Rowe when the war broke out? A No sir, I don't think I said that.
 Q Did you say anything about belonging to George Starr then?
 A I don't know.
 Q Do you remember living in the Cherokee Nation before the war?
 A Yes sir.
 Q Where? A Flint district.
 Q How old are you? A 61 or 2, me and Hooley Bell is the same age.
 Q You went to Texas with George Starr in '56? A I went with him.
 Q He owned a farm and property in Texas? A Yes sir.
 Q He was a citizen of Texas at that time?
 A He was a citizen of this country.
 Q He was re-admitted to citizenship when he came back? A Yes sir.
 Q Who did you come back with from Texas after the war? A My wife and myself and we met up with Charles Chambers and his wife.
 Q Where did you meet up with them? A Near Fort Smith.
 Q Did you know Hooley Bell in Texas? A Yes sir.
 Q Where was he living when you left there?
 A He was living in Rusk county, Texas.
 Q How far from you? A 6 miles.
 Q What time of the year did you leave there? A Spring of '65.
 Q Did you see Hooley Bell after that in Texas?
 A I never did.
 Q When did you last see Beck Starr in Texas? A In '66.
 Q How did you see him in Texas in '66 if you were here in the Cherokee Nation? A I said I went from here and settled some business and made a crop there in '66 and come back here in the fall again, in the winter then.
 Q Before or after Christmas? A Before.
 Q How long before? A Month or two.
 Q Where was your wife at that time? A At properties in Texas.
 Q What time did you bring her here? A In '66.
 Q And did you take her back? A Yes sir.

Q How long did you stay here in '65? A 3 or 4 months, I think.
Q You testified before the Kern Clifton court that you was at Dave Rowe's in '65? A Yes sir.
Q Did you see Cull and Poe Rowe then? A No sir.
Q Where did you first see Columbus McNair after the war?
A In Gibson.
Q When? A In '68.
Q What time of the year? A Winter.
Q Before or after Christmas? A Before.
Q Did you have your wife with you? A No sir.
Q Where was she? A On old Tom Ragsdale's place.
Q Where was she? A On old Tom Ragsdale's place.
Q That was in '65 was it? A Yes sir.
Q After the treaty was made? A Yes sir, after the treaty was passed.
Q You had heard of the treaty at that time and you wanted to get back here did you? A Yes sir.
Q What part of the nation did you come to when you came here in '66
A I come to the nation near the old Dave Rowe place.
Q How far from there? A 2 or 3 miles.
Q Was Cull and Poe there? A I don't know.
Q Where did you go to from there? A To Jim Rowe's.
Q How long did you stay there? A Month or so.
Q Where did you have your headquarters? A No place in particular.
Q In Texas? A No sir.
Q When did you go back to Texas? A Spring of '66.
Q I mean the next time? A Never went there any more.
Q You swear you were never in Texas since '66? A I am swearing it.
Q Where did you and your wife live after you came here in '66?
A At different places; I had started one place and sold it and went to Tahlequah.
Q You didn't have a settled residence?
A No sir, I was a sort of a gambler - my master learned me that.
Q Where was your wife then? A In Sequoyah district.
Q Who with? A Tilda Sanders in Tahlequah.

Continued by M. D. Green as stenographer.

Charles vonWeise being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above cause in so far as the present testimony goes and that the above is a correct and full transcript of his notes.

Chas vonWeise.

Subscribed and sworn to before me this the 16th of July 1901.

T. S. Needles, Commissioner.

CONTINUED. Former portion of this case taken by stenog. Charles vonWeise. July 2nd. 1901.

JOSEPH ROWE for himself and wife as intermarried.

APPEARANCES:

LOUIS BROWN, attorney for the applicant;
W. W. HASTINGS, for the Cherokee Nation.

ANDERSON LYNCH, being sworn by Commissioner Needles, testified as follows:

BY MR. BROWN:

- Q State your name? A Anderson Lynch.
Q What is your age? A 64.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, Joseph Rowe? A I have knowed him, it has been about, something over 20 years I reckon.
Q That your first acquaintance with him, 20 years ago? A Yes sir, it may have been longer than that. I remember when I first saw ~~him~~ him, it was down in there at Dave Rowe's.
Q About how long ago? A It was in the winter, after Christmas, about in '66, maybe two months after Christmas, somewhere after, about that.
Q You know where he has lived since that? A I think he is living around, but I couldn't tell you where -- he lived then--
Q In what nation was he living?
A He was living in the nation here then.
Q You don't know where he is living now?
A No sir, I never as there.

BY MR. HASTINGS:

- Q That's the first time you ever saw him? A Yes sir.
Q That's you think about 20 years ago, that's your best judgment?
A It may have been a little longer than that.
Q How much longer than that? A I don't know, couldn't have been more than four or 5 years longer.
Q Couldn't have been more than 4 or 5 years more than 20 years ago, that's your best judgment?
A As nigh as I can come at it, I couldn't tell.
Q You don't know anything about years? A No sir.
Q Don't know this year? A No sir.
Q You don't know any years between that year and this one do you?
A Oh, sometimes I do, when I study and they come up.
Q You have been studying about then for three months haven't you?
A Not that long, longer than that I reckon.
Q You never saw this fellow before the war?
A If I did I don't remember it.

BY MR. BROWN: Applicant offers to introduce Charley Chambers, as a witness to establish his citizenship, and same is denied by the Commission.

BY MR. HASTINGS: Objected to by the Cherokee Representatives, because he was not called as a witness; he remained within the hearing of the testimony and was not put under the rule as has been required of the other witnesses.

COM'R NEEDLES: Objection is sustained.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows:

BY MR. BROWN:

- Q State your name? A Columbus McNair.
- Q Your age and postoffice? A 51 years old.
- Q Postoffice? A Vinita.
- Q You know the applicant, Joe Rowe? A Yes sir.
- Q How long have you known him? A I knowed him in Texas and I have knew him ever since he has been back here.
- Q When did you see him the first time in the Cherokee Nation? After the close of the war? A I don't remember the year.
- Q How long after the close of the war was it?
- A I can't remember how long.
- Q About how long? A Been about 22 or 3 years ago.

MR. HASTINGS waives examination.

COM'R NEEDLES: Let this man be sworn with the understanding that he was present and heard the other witnesses testify, wasn't under the rule (Referring to Charley Chambers).

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows:

BY MR. BROWN:

- Q State your name? A Charley Chambers.
- Q What is your age? A 70 years of age.
- Q What is your postoffice? A Hudson.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Your name appear upon the authenticated roll of 1880? A Yes sir.
- Q Do you know the applicant, Joseph Rowe? A Yes sir.

COM'R NEEDLES: What citizen id he (referring to witness) a freed-man or a Cherokee by blood?
Witness: Freedman.

BY MR. BROWN:

- Q You know the applicant, Joseph Rowe? A Yes sir.
- Q How long have you known him? A Ever since '65.
- Q Where did you know him in '65?
- A I saw him in Fort Smith, first time I saw him.
- Q When did you see him the first time after the close of the war in the Cherokee Nation? A That was the first time I saw him, I saw him in Ft. Smith, and he ferried me across the river.
- Q That was in '65? A Yes sir.
- Q You know anything about his whereabouts in 1880? A Yes sir.

- Q Never saw him during the war? A No sir.
Q You know whether or not he has been a continuous resident of the Cherokee Nation since you saw him?
A I couldn't hear of him being about in the Cherokee Nation.

BY MR HASTINGS:

next

- Q How many years after you saw him in '60, until you saw him?
A I don't know how long it was.
Q 20 years? A No no, it wasn't no 20 years.
Q 10 years? A I guess it was some three or four.
Q Where did you next see him? A At Tahlequah, last time I saw him
Q At whose place was he living there?
A He was not living at nobody's place.
Q Was his wife there? A If he had any wife I never saw her.
Q You never saw his wife in '65? A No sir.
Q Had no children there? A No sir.
Q Just alone? A Yes sir, when I saw him.
Q Was he ~~in~~ in a wagon or afoot? A Horseback.
Q What time of the year was it? A Along in the spring.
Q You only saw him the one day? A Yes sir, he come in and I was fixing to come on this side of the river, and I told him he had better come and go home with me, and he come and went home with me.
Q Where were you living? A I was living on this side of the river
Q Stayed all night with you? A Yes sir.
Q You hadn't known him before the war? A No sir.
Q Stranger to you? A Stranger to me.
Q That's the last time you saw him for three or four years?
A Yes sir.

Com'r Needles: Joseph Howe applies for the enrollment of himself and his wife, Maggie, as citizen by intermarriage; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is identified upon the Kern(Clifton ~~xxx~~) and the Wallace rolls according to page and number of the rolls as indicated in the testimony; he avers that he married his wife Maggie about three years ago; he claims her citizenship through a former marriage to one Benjamin Ward; he makes no satisfactory proof whatever as to citizenship; avers that he was a slave, belonging to one George Starr, and was taken out to Texas and returned in the spring of '60; he will be listed on a doubtful card; he will be notified by the Commission of their action at his postoffice address by mail.

His said wife Maggie will be listed for enrollment as a Cherokee freedman by intermarriage, upon a doubtful card; it will be necessary for him to make satisfactory proof of his wife, Maggie, and her former husband Benjamin Ward's marriage.

J. D. Green, being first duly sworn, stated that as stenographer to the Commissioner to the United States he correctly

recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Sub scribed and sworn to before me this July 16, 1901.

T. B . Needles,

C ommissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing and that the same is a true and correct copy of the original.

Martin E. DeWitt

Sworn to and subscribed before me this 16th day of May, 1904.

W. O. Beall
Notary Public.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with C. F. D-1019, Joseph Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 9, 1901.

In the matter of the application of Joseph Rowe for enrollment
as a Cherokee Freedman;

Appearances:

Mr. Smith, of Mellette & Smith, attorneys for appl't.
Mr. W.W.Hastings, of attorneys for the Cherokee Nation.

MARY H. BELL, being sworn by Commissioner Needles, testified
as follows:

BY MR. HASTINGS:

- Q What is your name? A Mary H. Bell.
Q What is your age, Mrs. Bell? A 57.
Q What is your post-office? A Vinita, Indian Territory.
Q Mrs. Bell, what was your maiden name? A Mary Starr.
Q What was your father's name? A George H. Starr.
Q Where did your father live when the war broke out? A He lived
in Rusk County, Texas.
Q How long had he been living in Texas? A When the war broke out,
15 years, no, 16 years I guess.
Q Did he own a farm there? A Yes sir.
Q Was he a citizen of the State of Texas at that time? A Yes sir.
Q Did he own a slave by the name of Joe? A Yes sir.
Q This man ~~he~~ go by the name of Rowe or not at that time? A Joe
was all we knew him by.
Q You called your slaves by their first names? A Yes sir.
Q Did you own more than one by the name of Joe? A No, I don't
believe we did.
Q Have you ever seen Joe that you owned since the war? A Yes, I
saw him here at the payment.
Q By what name did he go then? A I don't know; just called him
Joe.
Q You don't know whether he went by the name of Rowe or not?
A No sir.
Q Where were you living in '65 or '6 after the war? A In Texas.
Q What county? A Rusk.
Q Do you remember where this man Joe was in the year of '66?
A Yes, he was right there on the farm. My father hired him for
the year, and hired his wife to cook.
Q Did he have a wife at that time? A Yes sir.
Q Did she belong to you before the war? A No sir, she belonged to
Mr. Harnage.
Q What was his wife's name then? A Ann.
Q When did you leave Texas? A In 1868.
Q Well up until 1868 had you seen this colored man Joe? A Well
I guess I had, but I don't remember it, he stayed at our house all
during the year of '66; made a crop there.
Q And his wife cooked for you? A Yes sir. My recollection is we
left them all on the place, that is in '68.
Q You never heard of his leaving the community? A No.
Q Now did you say that you have seen him here in the Cherokee Na-
tion since that? A Yes.
Q When was that? A In '94 I guess, it was the year of the payment.
Q Was it the year of the Cherokee or colored payment? A Cherokee.

Joseph Rowe?

Q Do you know how long he had been here then or did you have any conversation with him as to his whereabouts? A No, I never said anything to him about it.

BY MR. SMITH:

Q What did you say your father's name was, Mrs. Bell? A George H. Harnage.

Q Well, now, how many slaves did he own before the war? A I don't know how many, must have been 40 or 50.

Q Do you know whether he had more than one named Joe or not? A I think he was the only one named Joe.

Q The only one you remember? A Yes.

Q Were you familiar with the names of all of them? A Yes, I was then, knew them all.

Q Can you state positively whether he owned but the one or are you sure about that? A I am quite sure he didn't have but one named Joe; was that what you wanted me to answer?

Q Yes; that is what I wanted to know; whether he had more than one slave named Joe or not? A I don't think he had but the one.

Q Where were you living when the war closed, in Rusk County Texas? A Yes sir.

Q Well was this man Joe there you speak of during the year 1865?

A He was on the place nearly all the time; he left there in '65 for a while.

Q Where did he go? A Went to Marshall, Texas.

Q About how long was he gone at the time he was away from there in '65? A I don't remember; just a little while.

Q Was he away from there at any time in 1865? A No sir.

Q Do you remember whether he was away from there at any time during 1866? A No, he was on the farm all during 1866.

Q You say he was married at that time? A Yes sir.

Q His wife was named Ann? A Yes sir.

Q You don't know when he first came to the Cherokee Nation after the war? A No, I don't know.

Q You don't know that the Joe you are talking about is the man who has applied here for citizenship in this case? A I suppose he is.

Q You don't know though for certain? A If I could see him I would know.

Com'r Needles: This will be filed in Doubtful case 1019.

O-O-O-O-O-O-O-O-O

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this October 10th, 1901.

(Signed) T. B. Needles,
Commissioner.

O-O-O-O-O-O-O-O-O

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 16th day of May, 1904.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W.W.Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F. D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Joe Rowe, D 1019;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission

of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgement roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

o-o-o-o-o-o-o-o

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
(SEAL) Notary Public.

o-o-o-o-o-o-o-o

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

(Signed) P. G. Reuter,
(SEAL) Notary Public.

o-o-o-o-o-o-o-o

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the above and foregoing copy and that the same is a true and correct copy of the original.

Subscribed and sworn to before me this the 16th day of May, 1904.

William E. D. Hall
W. E. D. Hall
Notary Public.

FPT.

Cherokee Freedmen D 1019.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph Rowe for
enrollment as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on July 2, 1901, Joseph Rowe appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself as a Cherokee freedman and for his wife, Maggie Rowe, as a Cherokee freedman by intermarriage, but as the status of persons claiming rights to enrollment as Cherokee freedmen by intermarriage is not fixed at this time, her rights will not be adjudicated in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 9, 1901.

The evidence shows that the applicant, Joseph Rowe, was the slave of one George H. Starr and resided with him in the State of Texas at the commencement of the rebellion; but it is not shown by a preponderance of the evidence that the said George H. Starr was a Cherokee citizen at that time. The evidence further shows that the said Joseph Rowe did not return to and establish his residence in the Cherokee Nation until after February 11, 1867. His name is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Joseph Rowe as a Cherokee freedman should be denied, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED	Tams Bixby,	Chairman.
"	T. B. Needles,	Commissioner.
"	C. M. Breckinridge,	Commissioner.
"	W. A. Stanley	Commissioner.

Muskogee, Indian Territory,

this Jan 2 1904.

Cherokee Freedmen
D-1019.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of
Maggie Rowe, as a citizen by intermarriage of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the records of the Commission that on July 2, 1901, Joseph Rowe appeared before this Commission, at Nowata, Indian Territory, and made personal application for the enrollment of himself as a Cherokee Freedman, and for his wife, Maggie Rowe, as a citizen by intermarriage of the Cherokee Nation, claiming said rights by virtue of having married a Freedman Cherokee citizen.

On January 2, 1904, the Commission rendered its decision therein denying the application of Joseph Rowe as a Cherokee Freedman, and stated that inasmuch as the status of persons claiming the rights to enrollment as Cherokee citizens by intermarriage, by virtue of having married Cherokee Freedmen, was not fixed, the rights of Maggie Rowe would not be adjudicated in said decision. Thereafter, the Department, in its letter of May 6, 1904, (I.T.D.3132-1904), approved the decision of the Commission denying the application of Joseph Rowe and returned the record in said case in order that the rights of Maggie Rowe, as a citizen by intermarriage of the Cherokee Nation, might be passed upon.

It does not appear from the records in the possession of the Commission that Maggie Rowe has ever been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Welcome, (I.T.D.3848-1904, 1176-1904), Maggie Rowe is not entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and that her application for enrollment as such should be denied under the provisions of the Act of Congress approved June 28, 1896, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Anderson
Commissioner.

Wuskogee, Indian Territory,
JUN 11 1905

Refer in reply to
the following:

LAND.
1310/1904.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated January 4, 1904, forwarding the record relative to the application of Joseph Rowe for enrollment as a Cherokee Freedman. This applicant also applied for the enrollment of his wife, Maggie Rowe, as an intermarried Cherokee Freedman. Inasmuch as the status of persons intermarried with freedmen has not been fixed, the Commission did not pass upon her rights, in any she has.

The evidence shows that Joseph Rowe was the slave of George W. Starr who resided in the State of Texas at the commencement of the war. The evidence does not show that George W. Starr was a citizen of the Cherokee Nation at any time prior to the commencement of the war, and it is shown by the record that Joseph Rowe did not return to and establish a residence in the Cherokee Nation prior to February 11, 1867.

In view of the record approval of the Commission's decision of January 2, 1904, adverse to the applicant is recommended.

Very respectfully,

(Signed) A. C. Tonner,

CAV-H

Acting Commissioner.

D C 15088-1904.

COPY

WCF

I.T.D. 3132-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S. WASHINGTON.

FHE

May 6, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 4, 1904, you transmitted the record in the matter of the application of Joseph Rowe for the enrollment of himself as a Cherokee freedman, including your decision of January 2, 1904, rejecting said application.

Reporting April 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

It appears that the original application embraced the name of Maggie Rowe, the wife of Joseph Rowe, who claims as a citizen by intermarriage, by reason of her former marriage to one Berry Ward, a Cherokee citizen. Her rights are not adjudicated in your decision.

The Department approves your decision as to Joseph Rowe, and the record is returned to you in order that you may pass upon the rights of Maggie Rowe. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

OPY.

Cherokee Freedmen

D-1019.

Muskogee, Indian Territory, June 16, 1905.

Maggie Rowe,

Centralia, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for your enrollment as a Cherokee citizen by intermarriage. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-43
Register

W. J. Tamm
Chairman.

COPY.

Cherokee Freedmen

D-1019.

Muskogee, Indian Territory, June 16, 1905.

Louis T. Brown,

Attorney for Maggie Rowe,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Maggie Rowe as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-44
Register

(SIGNED).

Tame Dixon
Chairman.

Incl. S-45

Chairman.

Cherokee Freedmen

D-1019.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Maggie Rowe as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-45

SIGNED: *Tame Kirby*
Chairman.

COPY.

Incl. 8-46

Cherokee Freedmen
D-1019.

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Maggie Rowe as a Cherokee citizen by intermarriage, including the Commission's decision dated June 16, 1905, rejecting said application.

In its letter of May 6, 1904, the Department instructed the Commission to determine the rights of the said Maggie Rowe as a Cherokee citizen by intermarriage.

Respectfully,

(SIGNED). *Tams Dixby.*
Chairman.

Incl. 8-46

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
47216-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. June 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation by Maggie Rowe.

June 16, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant claims right to enrollment by reason of her marriage to Joseph Rowe an alleged Cherokee Freedman.

May 6, 1904 (I. T. D. 3132-1904) the Department approved the decision of the Commission rejecting the application of Joseph Rowe. It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

M.M.M. (W)

Acting Commissioner.

J. P.
PHE.

DEPARTMENT OF THE INTERIOR,

D. C. 32781-1905.

WASHINGTON. June 29, 1905.

I. T. D. 7778-1905.

L. R. S,

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

June 16, 1905, you transmitted the record in the matter of the application for the enrollment of Maggie Rowe as an intermarried Cherokee freedman, including your decision of the same date, rejecting said application.

Reporting June 23, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

1 inclosure.

Secretary.

Cherokee Freedman D-1019.

Muskogee, Indian Territory, July 12, 1905.

Maggie Rowe,

Centralia, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee citizen by intermarriage, you are advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting said application, was approved by the Secretary of the Interior on June 29, 1905.

Respectfully,

Commissioner.

Cherokee Freedman D-1019.

Muskogee, Indian Territory, July 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Maggie Rowe as a Cherokee citizen by intermarriage, you are advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting said application, was approved by the Secretary of the Interior on June 29, 1905.

Respectfully,

Commissioner.

Cherokee Freedman D-1019.

Muskogee, Indian Territory, July 12, 1905.

Louis T. Brown,

Attorney for Maggie Rowe,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Maggie Rowe as a Cherokee citizen by intermarriage, you are advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting said application, was approved by the Secretary of the Interior on June 29, 1905.

Respectfully,

Commissioner.

Cher. Fr. R. 790

Trans. from C. Fr. D. 1024

Cher. Fr. R. 790

100

Cherokee during the war and returned to 1865. The
slave of a Cherokee citizen and was taken out of the Cher-
no t identified on any roll. She says that she was the
is also identified on the Wallace roll. When she was
the rolls were taken the Wallace roll was identified as
were are her children, Henry, aged 12 and identified as
for two children, Henry, aged 12 and identified as
BY COURT REPORTER: The numbers of the rolls are

is the next one named

DEPARTMENT OF
COMMISSIONER

of the Commission to the five identified tribes and the copies of the
of the Commission, being that only a few, several copies are made of the

To be filed with case of Rufus Warren, C.F. D.#1024.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 2, 1901.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

Judy Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Judy Chambers.
- Q How old are you? A I don't know how old I am, I was a girl time of the war.
- Q Have you any idea how old you are? A I was a girl, a young girl in time of the war.
- Q What is your post office? A Benga.
- Q What district do you live in? A Sequoayh.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you want to enroll besides yourself? A My children.
- Q How many have you got? A I have seven.
- Q Well, give me the names of your children? A Rufus Warren.
- Q How old is he? A Well, he was born in time of the war, I don't know my children's ages.
- Q He is of age? A Yes, sir.
- Q I want the children under age and not married? A Oh, well now Dennis.
- Q How old is Dennis? A About 14 or 15 as near as I can guess.
- Q What is the next one? A Annie.
- Q How old is Annie? A I can't hardly tell you how old she is, about 12 or 13.
- Q What is the next one? A That is all, just only two under age.
- Q You have got five married then? A Yes, sir, the oldest one that I have got isn't married.
- Q Have you got any witnesses here? A Yes, sir.
- Q Who are they? A Uncle Nelson Murrell and Ben Grinnett and Dennis Bean.
- Q Your name on any of the rolls of the Cherokee nation? A Yes, sir.
- Q What toll? A I went to all the enrollments, but I never drew any money only on the wallace roll.
- Q Are you married? A No, sir, not now.
- Q Were you ever married? A Yes, sir.
- Q How many times? A I have been married twice.
- Q What was your first husband's name? A Warren, belonged to some people named Little.
- Q Did he have any other name besides Warren? A That is all the name I ever heard.
- Q Not, John or anything? A No, sir, just Warren.
- Q Is he living? A No, sir, he is dead, I am a widow woman.
- Q What was your second husband's name? A His name was Columbus.
- Q Columbus what? A Columbus Gilbreath.
- Q Is he living? A No, sir, he is dead.
- Q Who is the father of Dennis? A Ben Payton.
- Q Never was married to him at all? A No, sir.
- Q What is Dennis' name? A Dennis Payton.
- Q Who is the father of Annie? A Annie Johnson, her father was Albert Johnson.
- Q Never married to him either? A No, sir.
- Q Have you got any children by any of your husbands? A Yes, sir, Rufus Warren, he is here to speak for himself.
- Q Were you a slave? A Yes, sir.
- Q Who did you belong to? A Sam Chambers.
- Q Was he a Cherokee citizen? A Yes, sir.
- Q Were you taken out during the war? A No, sir.
- Q Never been out of the Cherokee nation? A No, sir.
- Q Always lived in the Cherokee Nation? A Yes, sir.
- Q Why isn't your name on the roll of 1880? A I don't know, sir, I think I was attending court and didn't get there.

Q Sam Chambers was your master? A Yes, sir.

Q Where were you born? A Sam Chamver's.

Q You never been out of the Cherokee Nation in all your life?

A No, sir.

Q Never lived out of it? A No, sir.

MR. W. W. HASTINGS? Cherokee attorney: You were sold out of here before the war though? A No, sir.

Q You know a man named Gilbreath? A Yes, sir, I know a man named Gilbreath.

Q He lived in Arkansas? A No, sir, lived close to old man Chambers.

Q He was a white man? A No, sir.

Q Sam Chambers dol you to Gilbreath before the war? A No, sir, never belonged to anybody named Gilbfeth in my life.

Q Sam Chambers sold you before the war? A No, sir.

Q Now where did Sam Chambers live? A Sam Chambers lived in Flint district close to Clear or sprig.

Q He was the father of Boon, or L. D. Chambers; you know Boon Chambers? A Yes, sir, me and Boon Chambers sucked mothers at the same time.

Q He was your y-ung master? A Yes, sir, and Anderson Chambers and Ben Chambers and Bill Chambers.

Q They were your young masters? A Yes, sir.

Q You knew them when the war came up? A We were all together.

Q Living on the same place when the war came up? A Yes, sir.

Q Now who did you stay with during the war? A First one and then another, sometimes Peggy Woodall and sometimes Polly Cornsilk, and sometimes I was at Mrs. Quinton's, firstone place and then another, didn't have no partuclar home when I was turned out, I didn't know where to go, I had to go with some because I was left by myself.

Q Where did the first of the war find you? A Found me up close to Mrs. Quinton.

Q Was that in Flint district? A No, sir, in Going Snake.

Q How long did you live there after the war? A Been there all the time until about 13 or 14 years ago I moved in Sequoyah district.

Q That is the first time you ever saw Dennis Bean? A No, sir, Dennis Bean stayed to our house all the time.

Q Before the war? A No, sir, not before the war, his mother knew me all her life.

Q When did you first meet him, how long after the war?

A I can't tell just exactly when.

Q About how long after the war? A I reckon about three or four years after the war.

Q Where did you first see him? A I was at Adaline Johnson's.

Q That was in Sequoyah district? A No, sir, in Flint.

Q That was the first time you saw him? A Yes, sir, since the war.

Q You never saw pennis before the war at all? A No, sir; that is right, if I saw him I don't recollect it.

Q Then did you see uncle Ben Grimmett after the war?

A I saw him off and on all the time, but I can't tell you exactly what time I saw him after the war.

Q About what time after the war? A I can't tell you, because I wasn't studying about any such.

Q Where was the first place you saw him after the war?

A I think the first place must have been Tahlequah when we were there to draw the bread money.

Q That was your first recollection? A Yes, sir.

Q Where did you see Murrell first after the war?

A It was at a camp meeting time.

Q Where at? A They called it Bethel Camp Ground.

Q That was after the war? A Yes, sir.

Q How long after? A Two or three years after the people got civilized.

Q Had you ever seen hik before the war? A Yes, sir.

Q Where at? A At Mr. Chambers' place.

Q How long before the war? A I was just a little girl and I don't know nothing about it, I don't know nothing about the war, when it was.

Taking of testimony continued by stenographer Chas. von Weise.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 15th of July, 1901.
(Signed.) ~~Samuel~~ T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., Junly 2d, 1901.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

CONTINUED FROM STENOGRAPHER BRUCE C. JONES.

NELSON MURRELL, called and sworn as a witness for the applicant by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Nelson Murrell.

Q What is your age? A About 70.

Q What is your post office address? A Coffeyville.

Q Do you know the applicant? A Yes, sir.

Q How long have you known her? A Ever since she was a girl.

Q Who owned her before the war? A Sam Chambers.

Q Was he a Cherokee citizen? A Yes, sir.

Q Was she taken out of the Cherokee nation during the war?

A I don't know.

Q When did you first see her after the war? A '67.

Q What part of '67? A The first of March at Fort Smith, Arkansas

Q When did you next see her? A To the Wallace court.

Q When next? A Here.

BY W. W. HASTINGS, Cherokee representative:

Q What were you doing at Fort Smith when you saw her first?

A I was a witness in the United States Court.

Q In what case? A I don't know.

Q What was the charge? A I don't know.

Q Don't you know the man's name against whom the case was had?

A No, sir, I forgot.

Q And that was in March of 1867? A Yes, sir, if my memory serves me right.

Q But you can't remember the case? A No, sir.

Q You don't know what the man was charged with? A Yes, sir, I think it was stealing a horse.

Q Was he tried before the Federal court there? A Yes, sir.

Q For something that he had done up in this country? A Yes, sir.

Q How far did you live from this woman before the war?

A Three miles.

Q What was her mother's name? A Vigy Chambers.

- Q How long before the war did you see her? A 10 years.
Q And at that time she belonged to Sam Chambers? A Yes, sir.
Q Did he sell her at the time the war came up? A I don't know.

BEN GRIMMETT, called and sworn as a witness for the applicant:

- Q What is your name? A Ben Grinnett.
Q What is your age? A 65.
Q What is your post office address? A Nowata.
Q Do you know this applicant? A Yes, sir.
Q How long have you known her? A Ever since she was a baby.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Sam Chambers.
Q When did you first see her after the war? A I haven't seen her since two years ago.
Q Was that the first time that you saw her since the war? A Yes, sir.
Q How do you know that it is the same woman you saw before the war? A I know it.
Q Was she a baby in arms when you first saw her? A No, sir, she was a baby so high (indicating.)
Q And you can tell that this is the same person whom you saw as a baby before the war? A Yes, sir.
Q Do you know that she lived there with Sam Chambers as his slave when the war came up? A Yes, sir.
Q Where did Sam Chambers live then? A In Flint district.
Q And this woman was living with him? A Yes, sir.
Q Sam Chambers was Boon Chambers' father? A Yes, sir.

BY THE COMMISSIONER: If you saw a baby 36 years ago and was to see her today, you would know her at once would you? A If she was that size I would.

- BY HASTINGS: You are the same fellow that was whipped for stealing at Tahlequah? A I don't know anything about it.
Q Were you or were you not that fellow? A I won't tell you anything about it.

DENNIS BEAN, called and sworn as a witness for the applicant:

- Q What is your name? A Dennis Bean.
Q What is your age? A 42 I guess.
Q What is your post office address? A Muldrow.
Q Do you know the applicant? A Yes, sir.
Q How long have you known her? A I have known her ever since 71.
Q Where did you know her then? A In Flint district.
Q Did you know her before that? A No, sir.
Q Do you know if she was a slave? A No, sir.
Q Do you know if she was taken out of the Cherokee Nation during the war or not? A No, sir, I don't.

Applicant not found on the 1880, 1896 or Kern Clifton rolls allace roll examined and the applicant found as follows:

Page 106, No.2264, Judy Chambers, Sequoyah district.
Page 106, No.2269, Dennis Paden, " "

- Q Where was Dennis born? A In Flint district, Cherokee Nation.
Q Where was Anna born? A In Sequoyah district.
Q What are the names of your other children? A Rufus Warren and Cynthia, Johnson, Dave his name is Joe but we call him Dave.
Q Joe what? A West.
Q He is not a son of either one of your husbands? A No, sir.
Q What is the next one? A Paden.
Q Is she married? A Yes, sir.
Q What is her name now? A Rowe.
Q Is Rufus a son of either one of your husbands? A Yes, sir, of the first one.

Q What is the next one named? A Gilbreth London.

BY COM'R NEEDLES: Judy Chambers applies for herself and for two children, Dennis Paden and Anna Johnson, whom she avers are her children. She is not identified on any of the rolls except the Wallace roll, her child Dennis Paden is also identified on the Wallace roll. Anna Johnson is not identified on any roll. She avers that she was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the war and returned in 1866. She and her two children named herein will be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her to file proof of birth as to her daughter, Anna Johnson.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings of the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 16th of July, 1901.

(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that same is a true and correct transcript of the original transcript of the testimony and proceedings in the above case.

J. O. Rosson

Subscribed and sworn to before me this September 9th, 1901.

Commissioner.

T. B. Needles
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 24, 1901.

In the matter of the application of Rufus Warren for enrollment as a Cherokee Freedman; said Warren being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Rufus Warren.
Q How old are you? A About 38.
Q What is your post office? A Dora.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on any of the Roll of the Cherokee Nation?
A Yes, sir.
Q What roll? A Wallace roll.
Q Have you ever been recognized as a Cherokee citizen?
A No, sir, not only on the Wallace roll.
Q Have you got any witnesses here? A Yes, sir.
Q What is your father's name? A Rufus Warren.
Q That is your name isn't it? A Yes, sir, his name was Warren Little.
Q What was your mother's name? A Judie Chambers.
Q She has been enrolled has she? A Yes, sir.
Q Do you claim your citizenship through her? A Yes, sir.
Q Where were you born? A Out here in Flint, Peevine.
Q Where have you lived all your life? A Here.
Q In the Cherokee Nation? A Yes, sir.
Q Never lived out of it? A No, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.

The 1880 Authenticated Roll, the 1896 Census Roll and Kern-Clifton Pay Roll of freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 106, #22651 Rufus Warren, Sequoyah.

BY MR. W. W. HASTINGS, Cherokee Representative.

- Q Now, where were you when you were first old enough to remember?
A In Flint.
Q Who were you living with? A With my mother.
Q Was your father living there too? A No, sir, my father went to Texas and died there.
Q You never saw him to know him? A I have saw him when I was little.
Q Now, you moved ~~back~~ out of Flint when you were young didn't you? A Yes, sir.
Q Where did you go to? A I went to Sequoyah.
Q Near Dora Arkansas? A Yes, sir.
Q You have been living there ever since? A Yes, sir.
Q Now who is your neighbors? A Nearest neighbor around me is colored man; Dennis Bean's sister and Dennis Bean.
Q Do you know Bob Cannon? A Yes, sir.
Q He lived right there? A Yes, sir.
Q You lived over in Arkansas? A No, sir.
Q Didn't work on the other side of the Arkansas? A Yes, sir.
Q Your mother lived there too? A No, sir, I have been living by myself.

BY COM'R NEEDLES:

- Q Are you a farmer? A Yes, sir.

COM'R NEEDLES: Rufus Warren applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll and he is identified upon that roll according to the page and number of the roll as indicated in the testimony. He avers that he is the child of Judie Chambers and claims his citizenship.

Rufus Warren.--2.

through his mother, who has been listed for enrollment as a Cherokee Freedman upon doubtful card #1014, and the testimony taken in the matter of the enrollment of Judie Chambers will be made part of the record in the case at bar and a copy thereof filed herewith. Said Rufus Warren will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission when arrived at.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 19th day of July, 1901.



Commissioner.

Mr. Hastings: Did she say what she had seen in the
house? And did she know?

Stang in the car, I don't know, but I don't know
whether she is a student or not.

I don't know if she is a student or not, but I don't know
whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
but I don't know whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
but I don't know whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
but I don't know whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
but I don't know whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
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but I don't know whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
but I don't know whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
but I don't know whether I saw her.

Mr. Hastings: Yes, I don't know if she is a student or not,
but I don't know whether I saw her.

File with Cherokee Freedman D-1024, Rufus Warren.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Judy Chambers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

L. T. Brown, agent for applicant;

W. W. Hastings, of counsel for Cherokee Nation.

L. D. Chambers, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. D. Chambers.

Q How old are you Mr. Chambers? A Well I am supposed to be 58 or 59.

Q What is your postoffice? A McKee.

Q What was your father's name? A Samuel Chambers.

Q Where did your father live before the war? A He lived in Flint District.

Q Cherokee Nation? A Yes, sir.

Q You are a Cherokee citizen by blood, are you? A Yes, sir.

Q You are sometimes known as Boon Chambers, a nick-name? A Yes, sir.

Q Did your father, Sam Chambers, ever own a colored girl by the name of Judy? A Yes, sir.

Q What became of Judy? A Well, she was sold before the war to some parties living over towards Cane Hill.

Q Where is Cane Hill, what state? A It is over in Arkansas, east of Flint district where I lived.

Q How far did you live from the state line? A I suppose 12 or 13 miles.

Q How long before the war was that? A Well, the best I can recollect, it must have been some seven or eight years before the war.

Q You remember to whom she was sold? A No, sir, I can't place the place, I can't remember the name, of the party that bought her and taken her over the line.

Q You say they were living over the line? A Yes, sir.

Q Over in Arkansas? A Arkansas, Cane Hill, somewhere in the neighborhood of Cane Hill there.

Q Did your father own her at the time the war came up? A No, she was done sold.

Q Well, he never rebought her, never repurchased her? A No, sir.

Q He never owned her then? A No, sir.

Q Did you ever see her after the war? A No, sir, I never have met up with her, I have heard of her.

Q You don't know anything about her whereabouts? A No, sir, I don't.

Q To whom did Judy Chambers belong before your father came into possession of her? A Well I don't know, I think she was born somewhere about the place there.

Q Then she belonged to your father from birth up to the time you say he sold her? A Yes, that is my best knowledge of it.

Q You don't know to whom she was sold? A I can't remember the name, I can't remember the party that bought her.

By L. T. Brown: Nor what amount of money your father received for her? A No, sir.

Q Were you present when the sale was made? A I was there at home, yes.

Q There in the room? A Yes.

Q Right there when the sale was made? A I was on the place when she was taken off.

Q You don't know anything about how much he received for her? A No, sir.

Q Don't know who he sold her to? A I can't remember the name that bought her.

Mr. Hastings: Do you know whether the person that bought her was a Cherokee or a white man? A Well, I can't say that, Mr. Hastings, she was bought and taken over the line and she never returned any more.

Q That is all you know about it? A That is all I know.

Q You don't know who he was? A No, sir.

L. T. Brown: You don't know what he was? A No, sir.

Q Where did you see her for the first time after you claim she was taken over the line? A I never saw her to this day. If I have I didn't know her.

HERBERT BEN KING, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Ben King.

Q What is your age? A I will be 65 in March.

Q What is your postoffice? A Tahlequah.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q You know this witness here, Boon Chambers, L. D. Chambers?

A Yes, sir.

Q Did you know his father, Sam Chambers? A Yes, sir.

Q Did you know a colored woman he once owned by the name of Judy?

A Yes, sir.

Q How far did you live from Sam Chambers before the war? A Before the war, different times, one time we lived in about three quarters of a mile.

Q Do you know what became of Judy? A They sold her across in the states to a man that Bill Harnage just a while ago told me his name but I have forgot it already.

Q You think his name was Gilbert? A Well, it is Bill Harnage's uncle.

Q You don't remember the name yourself? A No, sir.

Q You remember it now? A I don't know how long I would remember it.

Q Well, what was his citizenship, United States or Cherokee? A The one that bought her, citizenship was Washington County, Arkansas.

Q Did you ever see Judy Chambers after the war? A Yes, sir.

Q About when was that? A It was either in '71 or '72 there at the man's that bought her, living on his place.

Q In Arkansas? A In Arkansas, I eat my supper there with her.

Q Was she still there with them? A I eat my supper there with Judy.

Q This woman was still there? A Yes, sir, she had three children at the time.

Q What was their names? A She never told me their names, she said, there is my three children.

By L. T. Brown: What is the nearest postoffice to this place in Washington County, to this man's residence where you ate supper?

A I don't understand you.

Q What is this man's postoffice that you say bought Judy Chambers?

A Why I have never inquired the postoffice.

Q What is the nearest place around there? A To my knowledge, is Cane Hill, the nearest place around there.

Q Then you say she was sold about how long before the war? A 7 or 8 years before the war as well as I remember.

Q You remember how much Mr. Chambers got for her? A No, sir.

Q Did you see the money counted over? A I wasn't there.

Q You wasn't there? A No, I just heard it rumored he had sold her.

L. T. Brown: Agent for the applicant desires to ask that the testimony of this witness be stricken out, on the ground that it is purely hearsay.

Q Now this man to whom she was sold, you say he was a citizen of the State of Arkansas? A Yes, sir, Washington County.

Q How do you know it? A Why he was living there with white.

Q That is how you know it? A They were always considered that and Bill Harnage told me his half sister was a white woman and his brother-in-law was a white man.

Q Couldn't he have been a resident of the State of Arkansas and not a citizen? A Well, he might have been, but they were presumed to be white.

Q All you know of this sale is what you heard? A No, what she had told me.

Q What did she tell you? A Told me she was sold to that fellow.

Q When did she tell you that? A In '71 or '2.

Q Where at? A At her old master's house in Washington County, Arkansas.

Q Now come the conversation to come up? A I stopped there quite a while, I think it was in the fall of the year, I wanted to warm, I had come from Dick Bean's mill, and after I went in the house and seen where it was, I said Judy I want my supper, I had knew her from a girl, and she gave me my supper, and we got to talking and I says, where did Uncle Sam Chambers sell you, and she said, right here to this man.

Q You say she was sold eight years before the war began? A Seven or eight.

Q How long was it from the time you say she was sold until you saw her again in Washington County, Arkansas? A Give me a pencil and I will soon tell you, and a piece of paper (witness does some figuring); it will be near on 17 years after she was sold I believe that I seen her.

Q About how old was she then? A Well, when she lived with my father and my stepmother she was about 12 or 13 years old, that was along in '82 or '3, now you can count from then down to then I guess, you are a lawyer.

Mr. Hastings: Did she say where she had been living over there when you saw her in '71 or '2? A She had been living right there at that place with her old master.

L. T. Brown: Did she say that? A I asked her where she had been living ever since she had been sold, as old acquaintances.

Commission: This testimony is to be filed in the following Cherokee Freedman cases; D-1014, Judy Chambers; D-1016, Polly Rowe; D-1024, Rufus Warren.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 18th of November, 1901.

Notary Public.

...the ... of ...

PARTIAL
 ION TO
 NOV 14 1901

200

File with Cherokee Freedman, D- 1024, Rufus Warren.

Department of the Interior,
Commission to the Five Civilized Tribes,
Port Gibson, I.T., September 25, 1901.

In the matter of the application of Judy Chambers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Comes now the Cherokee Nation and protests against the examination of this witness, for the reason that she was examined in full before upon all the three points in issue, namely, as to her ownership prior to the war, her return after the war, and her continuous residence since, and this is only a repetition of the testimony brought out in the first place, and that the Cherokee Nation has only offered evidence against these three points originally brought out by the applicant herself.

Commissioner (to agent) What do you want to examine her on?

L. T. Brown: The gentleman testified the other day that he had a conversation with this lady, and I want to show whether he did or not.

JUDY CHAMBERS, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: What is your name? A. Judy Chambers.

Q Are you the applicant in this case? A I am, yes, sir.

Q Do you know a man by the name of Ben King? A No, sir, I don't.

Q Did you ever have a conversation anywhere in the State of Arkansas with a man by the name of Ben King, in which you stated that you had been sold to a citizen of the State of Arkansas a few years before the war and had lived in the State of Arkansas up until that time?

A No, sir.

Q Were you anywhere in the State of Arkansas during the year 1874?

A No, sir, I wasn't.

Mr. Hastings: You know Ben King, don't you? A Yes, sir.

Q You knew him before the war? A Yes, sir, he was my young master.

Q You claim to belonged to his father? A Yes, sir, he was my young master.

Q You don't deny that? A No, sir, I don't, don't deny that I was a slave.

Q Did you ever live in Cane Hill, Arkansas? A Yes, sir, I was there and cooked.

Q Who for? A Mr. McClelland.

Q Charley McClelland's outfit? A His father.

Q You knew him then before the war? A No, sir, it was after the war.

Q How long did you cook for him? A Five years.

Q Did you ever know a man over there by the name of Gilbreath?

A No, sir.

Q Never heard of him? A No, sir.

Q Or Gilbert? A No, sir.

Q Never heard of them? A No, sir, never heard of them at all.

Q You know Ben King? A No, sir.

Q You remember everybody you saw 25 years ago? A No, sir, I don't.

Q Lots of people you saw last year you don't know; don't know lots of people you talked to last year, you don't know? A That is right.

Q You don't know what you said to me five years ago? A No, sir, I don't.

- 2 -

Q You don't remember meeting me five years ago? A I remember seeing you here.

Q You remember what you told me then? A No, sir.

Q Any of it? A No, sir, I can't tell you, I might tell you some of it though.

Q You don't undertake to tell conversations you had with people 25 years ago, do you? A No, sir, because I can't.

Q Especially when there are strangers passing along? A Yes, sir.

L. T. Brown: Have you any children? A Yes, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of October, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Judy Chambers, et al., as Cherokee Freedmen, consolidating the
applications of

Judy Chambers, et al.,...	Cherokee Freedmen D 1014
Rufus Warren,.....	" " D 1024
Clark Dannenberg, et al.,	" " D 1063
Joe West, et al.,.....	" " D 1064

D E C I S I O N .

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Judy Chambers for herself and her minor children, Dennis Paden and Annie Johnson; by Rufus Warren for himself; by Clark Dannenberg for himself and his minor child, Essie Dannenberg; and by Joe West for himself and his minor children, George and Bessie West.

The evidence shows that the principal applicant, Judy Chambers, was born prior to the commencement of the rebellion, but it does not appear that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence shows that all the other applicants herein are her descendants born since the commencement of the rebellion and have no rights to enrollment except as such descendants. None of the names of the applicants herein are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark Dannenberg, Essie Dannenberg, Joe West, George West and Bessie West as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

MAK 11 1904

Commissioner.

MISSIONARY TENTATIVE CIVILIZED TRIBE

FILED

JUL 5 1906

[Handwritten signature]
COMMISSIONER

477

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the enrollment case of Rufus Warren and Dennis Padon, as freedmen citizens of the Cherokee nation, F. D. 1024 and F. D. 1014 CTR 188

CTR 190

Reply of the Cherokee Nation.

The record in this case shows that the applicants claim through Judy Chambers, their mother, and the consolidated cases were denied by the Commission to the Five Civilized Tribes on March 11, 1904, and affirmed by the department on October 20, 1904. The decision of the Commission to the Five Civilized Tribes finds:

"The evidence shows that the principal applicant, Judy Chambers, was born prior to the commencement of the rebellion, but it does not appear that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee nation at the commencement of the rebellion. The record further shows that application was made for Judy Chambers on July 2, 1901, and that therefore very nearly three years elapsed before a decision was rendered in the case by the commission to the five civilized Tribes.

By an examination of the testimony it will be seen that one introduced three witnesses, Nelson Burdett, Ben Grinnett and Dennis Padon. The last witness, Dennis Padon, did not see Judy Chambers until about 1871 or 1872. The second witness, Ben Grinnett, was a man who had previously been convicted of larceny, whereas Nelson Burdett was rejected in freedmen doubtful 548 and himself shown not to have returned to the Cherokee Nation until about 1870.

Upon the other hand, the Cherokee Nation introduced D. J. Chambers, son of Sam Chambers, the alleged owner of Judy Chambers prior to the war, and he swears positively that his father did not own Judy when the war came up, but that some time prior to the war she had been sold in the State of Arkansas. Judy acknowledges that D. J. Chambers was her young master and afterwards tried to claim that she was only cooking out in Arkansas for a man, but this is positively denied by D. J. Chambers. Ben King also testifies that he knew Sam Chambers; that he knew Judy Chambers, the principal applicant; that she was sold out of the Cherokee Nation

prior to the war some seven or eight years, and he further testifies that he was in Arkansas at the house where Judy was sold in 1871 or 1872 and that Judy was still there waiting for her old master in the State of Arkansas. It appears that a motion has heretofore been filed to reopen this case, which was doubtless considered by the Secretary of the Interior when this case was affirmed October 20, 1904.

To defeat or resist the allowance of the motion to reopen:

First. Because ample opportunity has been afforded the applicants to introduce testimony in their behalf and no affidavits have been shown.

Second. The testimony desired to be introduced is contradictory and if these ignorant children were to make a statement they would swear in their affidavits it would not change the result of the case.

Third. As shown by a synopsis of the testimony introduced in this case the same is without merit.

Respectfully submitted,

W. M. Hastings
Attorney at Law, Chicago, Ill.

Cherokee Freedmen
D-1024.

Muskogee, Indian Territory, March 19, 1904.

Lufus Warren,

Dora, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated March 11, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. D-10.

CC

Cherokee Freedmen
D-674 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William H. Robinson et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of William H., James A., Jennetta, Charles S., Amanda K., John S., Ollie and William D. Robinson, Josie A. Slaughter, Sadie Smith, Tobe Robinson, Melvina, Cora, Jesse and Allen Martin, Martha M. Hill, Luvada Martin, Annie Jones, Savannah Hill and Luther Daniels as Cherokee freedmen.

Respectfully,

C. F. Brown

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-8.

Cherokee Freedmen
D-1014 et al.

Wash. D.C., Indian Territory, March 10, 1904.

W. H. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Judy Chambers et al., rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-14.

Commissioner in Charge.

Refer in reply
to the following:
Land.
19426-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Judy Chambers for herself and her minor children, Dennis, Paden and Annie Johnson, by Rufus Warren for himself; by Clark Dannenberg for himself and his minor child, Essie Dannenberg; and by Joe West for himself and his minor children, George and Bessie West.

March 11, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Judy Chambers, was born prior to the beginning of the war of the rebellion, but it is not clearly established that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion. All of the other applicants are her descendants born since the beginning of the war and have no rights to enrollment except as such descendants.

None of the names of the applicants is found on the 1880 authenticated Cherokee roll. The applicants, Judy Chambers, Dennis Paden, Rufus Warren, Clark Dannenberg and Joe West are identified on the Wallace roll and Joe West is also identified on the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

N.M.M.

W.

D.C. 40882-1904
I.T.D. 7862-1904.

(COPY)

DEPARTMENT OF THE INTERIOR
WASHINGTON.

W.C.F.
J.P.
FHE
U.S.

October 20, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee Freedmen case of Judy Chambers, et al (F.D.-1014 et al), including your decision of March 11, 1904, rejecting the application for the enrollment of Judy Chambers, Dennis Waden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West.

On July 19, 1904, the Department received a petition, signed by Rufus Warren, requesting a rehearing in the matter, alleging newly discovered evidence. The petition fails to show, however, that the evidence which the petitioner desires to submit could not have been procured by due diligence at the original hearing. The petition alone is insufficient to justify the Department in remanding the case to you for further hearing, it not being supported by affidavits.

Reporting September 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed)

Thos Ryan

Acting Secretary

Enclosure .

COPY.

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, October 29, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Clark and Essie Dannenberg, Joe, George and Bessie West, and Rufus Warren, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

W. C. C. *Tame Dixby.*
Chairman.

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
D-1024

Muskogee, Indian Territory, October 29, 1904.

Rufus Warren,

Dora, Arkansas.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,



Chairman.

Cherokee Freedmen
R 790

Muskogee, Indian Territory, August 30, 1906

Rufus Warren,

Muldrow, Indian Territory.

Dear Sir:

This office is in receipt, on June 23, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of yourself and Dennis Paden.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 11, 1907

The Honorable,

The secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 23, 1906, by Rufus Warren and Denis Paden for a rehearing of their Cherokee freedmen enrollment cases. The reply of the Attorney for the Cherokee Nation to said motion, filed July 5, 1906, is also enclosed, together with the applicants' reply to that of the Nation, filed July 14, 1906. Attached to the motion is an affidavit signed by C. W. West, who signs by mark, and Jerry Vann, who only state that they knew Judy Chambers and that she was a slave of Sam Chambers, a Cherokee citizen, at the commencement of the war of the rebellion..

The applicants in this case only claim the right to enrollment as Cherokee freedmen as descendants of their mother, Judy Chambers, who claimed to have been the slave of a Cherokee citizen at the commencement of the war of the rebellion.

Secretary-2

The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, rejecting the application for the enrollment of, among others, Rufus Warren and Denis Paden, was affirmed by the Department October 20, 1904 (I. T.D. 7662-1904), the Commission finding that "the evidence shows that the principal applicant, Judy Chambers, was born prior to the commencement of the rebellion, but it does not appear that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion."

L. T. Chambers testified on September 20, 1901, that he is a son of Sam Chambers, alleged owner of the mother of these applicants, Judy Chambers; that his father at one time owned said Judy Chambers, and that his father sold her to a citizen of the State of Arkansas "some seven or eight years before the war."

Ben King also testified on that date and stated that " they sold her (Judy Chambers) across in the States

Secretary-2

to a man that Bill Harnage just awhile ago told me his name, but I have forgot it already," and that said person "is Bill Harnage's uncle."

In view of the above it is not considered that a satisfactory showing is made as to why the motion herein should be granted, and it is respectfully recommended that the same be denied.

Respectfully,

Through the Commissioner
of Indian Territory.

Encl. B-1

Commissioner

(C O P Y)

Land
15725-1907

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

March 2, 1907

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed a report from Commissioner Bixby dated February 11, 1907, transmitting a motion for rehearing in the Cherokee freedman cases of Rufus Warren and Dennis Paden. The application has been carefully examined. It contains no merit and it is recommended that it be denied. The Office has inadvertently mislaid the record in the case and is unable to find it.

Very respectfully,

C/ F. Larrabee

Acting Commissioner/

GAW-GH

(C O P Y)

Y P
L L B

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 13388-1907

I T D. 7714-1907

March 4, 1907

L R S

Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Rufus Warren and Dennis Paden, received with your letter of February 11, 1907, and Indian Office letter of March 2, 1907 (Land 15725), is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

A copy of Indian Office letter is inclosed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) R. A. HITCHCOCK
Secretary

1 inc. and 2 to Ind. Of.

W C F 3/5/07

Cherokee F
R 490.

Muskogee, Indian Territory, April 2, 1907.

Rufus Warren,

Dora, Arkansas.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. D. Rodgers.
Acting Commissioner.

Encl. C-8
LMC

Cherokee v.
R 490.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Rufus Warren and Dennis Paden, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-8
LMC

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUL 12 1890

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

July 2, 1901
Cory Park,
Sege

1. Name

Rufus Warren

Age 38

Owner's name

Citizenship

Year

Wallace 106

No. 2265

District

Sege

Parents:

Father

Rufus Warren Little

Citizenship

Mother

Judy Chambers

Citizenship

Cher. Freed

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

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Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Mo. 1

Stenographer

J. V. Ross

1014

XI

4101074

MAR 21 1907

~~RECEIVED~~ JOHN M. MURPHY

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

General Office

RECEIVED

Cherokee Nation

UNCLAIMED

THOMAS WATSON,

DEPT. AGRICULTURE.



Cher. Fr. R. 791

Trans. from C. Fr. D. 1030

Cher. Fr. R. 791

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 4 1901
U.S. DEPT. OF THE INTERIOR

4

tion, and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given; consequently, the said Houston West and his five children will be listed for enrollment as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at he will be notified by mail.

+++++

Chris von Weese, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chris von Weese.

Subscribed and sworn to before me this 15th of July, 1901.

(Signed) T. L. Reddick,

Commissioner.

.....

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 15th of July, 1901.

File with C. F. No. 1080, John West.

Department of the Interior
Commission to the Five Civilized Tribes,
Wash., D.C., July 25, 1901

In the matter of the application of Houston West for the enrollment of himself and five children as Cherokee Freedmen; he being sworn by Commissioner R. E. Meade as follows:

Q What is your name? Houston West.
Q What is your age? 42.
Q What is your postoffice address? A. Malone, I.T.
Q In what district do you live? A. Sequoyah District.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q What do you want to have enrolled besides yourself? A. Five children.
Q What are their names? A. Ida West.
Q How old? A. 19 years.
Q Name? A. Nancy.
Q How old? A. 17 years.
Q Name? A. Fannie.
Q How old? A. 15.
Q Name? A. Georgia.
Q How old? A. 13.
Q Name? A. William.
Q How old? A. 9 years.
Q Is your name on any roll of the Cherokee Nation? A. Yes sir the Kern and Tallah Roll.
Q Are you married? A. I have a son, am not now.
Q Is your wife living? A. The mother of those children is not living.
Q What was her name? A. Mary Albert when I married her.
Q When were you married to her? A. In '98.
Q Why is your name on the roll of 1880? A. I have always tried to get it on.
Q How have failed though? A. Yes sir.
Q Is your wife a citizen? A. Yes sir.
Q Kern Roll examined and the name of the applicant found as follows:
Page 111, No. 2765, Houston West, Illinois District.
Page 111, No. 2765, Ida West.
Page 111, No. 2768, Fannie West.
Page 111, No. 2767, Fannie West.
Page 111, No. 2768, Georgia West.
Page 111, No. 2777, Willie West.
Q Tallah Roll examined and the name of the applicant found as follows:
Page 149, No. 5068, Houston West, Sequoyah District.
Page 149, No. 5069, Ida West.
Q Were you a slave? A. Yes sir.
Q The roll you belong to? A. Yes sir.
Q Was he a Cherokee citizen? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Texas.
Q When did you return? A. In '98.
Q What time is that? A. It was in the winter.
Q Were you married then? A. Yes sir.
Q Have you lived in the Cherokee Nation continuously since then? A. Yes sir.
Q How those children were born? A. Yes sir.
Q And then they lived here all the time? A. Yes sir.
Q Have you any proof of your marriage? A. Yes sir.
Q A marriage certificate? A. Yes sir.
Q If I call, Charles Rogers has lived
Q The one your father's name? A. Yes sir.
Q And your mother? A. Fannie.

- Q And you belonged to the Methodist? A Yes sir.
- Q Were you living when the war commenced? A On the old Blackburn place in Sequoyah.
- Q When did you go to Texas? A The second year of the war.
- Q Where did you stop at there? A At the old Hayfield place near Dallas, Texas.
- Q Did your father belong to Walk Hayfield at the beginning of the war? A Yes sir.
- Q When did your father leave? A In '66.
- Q And with? A Walk Hayfield and his family.
- Q What was his wife's name? A Jane Blackburn before he married her.
- Q What ever became of your father? A Died.
- Q Is your mother alive? A No sir.
- Q Just you and Walk's family came together? A That is all.
- By the Commission-
- Q When did your father die? A In '93 or '4.
- Q When did your mother die? A She died before he did.
- Q Your father and mother are not on the roll of 1880? A No sir but I have a sister on the 1880 roll.
- Q What is her name? A Mary Whitmore.
- Q Is she married now? A Yes sir.
- Q Did she go to Texas with you? A Yes sir.
- Q And did she return with you? A Yes sir.
- The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's sister found as follows:-
Page 728 No. 1399, Mary Whitmore, Sequoyah District
- Q You say this is your full sister? A Yes sir.
- Q Same father and mother? A Yes sir.
- Harrison Foreman called and sworn as a witness for the applicant:
- Q What is your name? A Harrison Foreman.
- Q What is your age? A 48.
- Q What is your post-office address? A Catoosa.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q A Freedman? A Yes sir.
- Q Do you know the applicant? A Yes sir.
- Q How long have you known him? A Since the war.
- Q Was he a slave? A Yes sir that is what I hear.
- Q When did you first see the applicant after the war? A I can't be positive as to the exact time, in '66 I believe.
- Q Where? A I was the ferryman at Fort Smith and I ferried him over the river.
- Q Who was with him? A Walk Hayfield and his family and the applicant's father and mother.
- Q And you think it was in '66? A Yes sir.
- Q Has he lived in the Cherokee Nation since '66? A Yes sir.
- By Tell-
- Q What time of the year was that? A I don't know if it was in November or December, but along there.
- Q Walk Hayfield was his former owner? A Yes sir.
- Q Is Walk living? A No sir.
- Dennis Bean called and sworn as a witness for the applicant:
- Q What is your name? A Dennis Bean.
- Q What is your age? A 42.
- Q What is your post-office address? A Milledge.
- Q Are you a recognized freedman? A Yes sir.
- Q Do you know the applicant? A Yes sir.
- Q How long have you known him? A Ever since-- I think it was the Fall of '66.
- Q Was he a slave? A Yes sir.
- Q Who owned him? A Walk Hayfield.
- Q Did this applicant go out during the war? A I guess they did.
- Q When did you first see him after the war? A They was coming through making their way up by where I lived in '66, I lived on the

Back of St. Andrews this side of St. John's South,
I was with this applicant when I was arrested and mother and
my sisters I think a non named Rev Harrison and a young one of Agrie
and Ave Yang.

Q The first one held with that A Yes sir that was the one
Q The one captured lived here over a while A Yes sir.

Q Now, were you living there? A On this side of the river on the place that belongs to Kenneth Barker. The house is gone in now.

[illegible]

Q Are you positive that you are correct as to these dates? Possibly
 A Yes, I think so, but I think it was in 1961. I don't know they
 and I know about the 15 years. Q

Albert Johnson called on 11/12/44 as a witness for the applicant.

9-17-68 10:45 AM - 10:50 AM - A. J. Johnson

Q. What is your post office address? A. Denver.

Q. What is your ref. #?

On the 10th day of the month of June, 1964, I did

Q Now how many times did you know him? A Oh I don't know I was a doc

0-44876-4-3: VET A I PROCESSING UNIT

... out of the City ... during the war. A ... have

Q. How do you know he came back? A. He was on the Lilly Starr place in the fall of '66.

There is a lot of this stuff in the Arkansas river.

Q Yes, was with him? A Yes, mother and father.

...in ever since that time. A few of...

Q. You are sure that it was in 1966? A. As my memory serves me it was 1966.

Q You can be so "gracious" that a "you sir"

WILLIS

0 We was with him, was Walk. He in with him? A Yes sir

7-11-1941

From Will H. Field a Certificate of Grant is said to be.

Q Do you know this applicant's wife? A Yes sir.

Q No. 122. Knew they were married? A Yes sir.

Q Was you there when they carried it? A Yes sir.

Q And saw them married? Yes sir.

Mr. Garrison. What? A Fiction.

That was the time when she married him. I don't know now.

Where were they married? At Fox place.

... they lived together since then continuously as men and

Q And you had failed a You are

0.015 000130, -

Now the West applied for himself and five children, Ida, Nancy, Tamar, George and William West; he claimed he identified on the author's record roll of 1860 or the census roll of 1870; he is identified on the Free Old Tom roll and the Wallace roll according to the page and number of the rolls as indicated in the testimony; he avers that he was the slave of W. H. Sayre, late master of the Cherokee Nation during the war and returned in 1864 with his master, Walk, to the West, and offers evidence to establish that fact. It is also established by the testimony of Marie Albert now deceased, who is the mother of his children; all of his children are identified on the Free Old Tom roll, he avers that he is the full brother of her children; they having the same father and mother; she is now married and enrolled on the Freedmen's roll of 1870; he avers that she returned to the Cherokee Nation with him at the same time as his father and mother and the balance of the family; the evidence as far presented is sufficient to justify the Commission in enrolling the said Tom West and his five children by rolls as set, as Freedmen, but not as the Cherokee Indians.

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tion, and protests the corroboration that they have witnessed which is about the evidence now given. Consequently, the said Houston West and his five children will be listed for enrollment as Cherokee Freedmen on a separate card, and when the final decision is arrived at he will be notified by mail.

Chas. W. Weiss, being sworn at and that as stenographer to the Commission to the Five Civilized Tribes he repeats to full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. W. Weiss.
Subscribed and sworn to before me this 18th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that said is a true and complete copy of the original transcript.

Subscribed and sworn to before me this September 17th, 1901.

F. R. Buckmaster

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 20, 1901.

In the matter of the application of John West for enrollment as a Cherokee Freedman; said West being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A John West.
Q What is your age? A 35.
Q What is your post office? A Owase.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Where were you born? A Choctaw Nation.
Q Where have you lived all your life? A Here in the Cherokee Nation ever since I can remember.
Q Did you ever apply to be enrolled to the Choctaw authorities?
A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q On what rolls? A Kern-Clifton.
Q What is your mother's name? A Millie
Q What is your father's name? A Boce.
Q Is Boce living? A Yes, sir.
Q Mother living? A No, sir.
Q Do you belong to that West family that was here yesterday?
A Yes, sir.
Q What relation are you to Houston West? A He is my uncle.

The 1880 authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 111, #2725, John West, Illinois District.

- Q. Have you any children? A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 147, # 3067, John West, Sequoyah District.

BY MR. J. S. DAVENPORT, Cherokee Representative.

- Q How old were you when you come from the Choctaw Nation up here?
A I don't know.
Q Where did you locate when you came? A In Sequoyah.
Q How long did you live in Sequoyah? A I have lived there ever since I can remember.
Q When did you come to Owase? A I just moved there eight years ago.
Q To Owase? A Yes, in the Cherokee Nation.
Q You didn't move to Owase eight years ago? A Yes, sir, from Sequoyah.
Q Who lives near you other there? A There is several.
Q Don't you know any of their names? A Bill Halsell is one, I guess you are acquainted with him.
Q Well who else? A There is quite a crowd of them, Bunk Claywell.
Q Did you live in the Creek Nation? A No, sir, live right close to Billy Halsell's ranch.

BY MR. W. W. HASTINGS, Cherokee Representative.

- Q Do you remember coming from the Choctaw Nation up to the Cherokee Nation? A No, sir.
 Q Your father was Rose West? A Yes, sir.
 Q Grandson of old Henry West? A Yes, sir.
 Q And Hannah West? A That is my step-grandmother.

COM'R NEEDLES: John West applies for the enrollment of himself. He can not be identified upon the authenticated roll of 1886 of census roll of 1896. He is identified upon the Wallaces and Kern-Clifton according to the page and number of the rolls as indicated in the testimony. He avers that he was born in the Choctaw Nation and has lived in the Cherokee Nation all his life. He avers that he is a nephew of Houston West who has been listed for enrollment upon doubtful card #289, and the testimony taken in the matter of the enrollment of Houston West will be made part of the record in the case at bar and a copy thereof filed herewith. Said John West having made a satisfactory proof as to residence, he will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in the premises.

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J. O. Benson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reduced the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Benson.

Subscribed and sworn to before me this 10th day of July 1901.

T. B. Needles

Commissioner.

Edith Lewis, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she correctly copied the testimony and proceedings in this case and that the foregoing is a true and complete copy of the above.

Edith Lewis

Subscribed and sworn to before me this 12th day of June 1904,

Charles A. Smith
 Notary Public.

COMMISSION TO THE FIVE
CIVILIZED TRIBES

JUL 30 1801

ELI L. B.

John West.--2.

the Wallace and Kern Collection, according to the page and number of the rolls as indicated by the testimony. He avers that he was born in the Cherokee Nation and has lived in the Cherokee Nation all his life. He avers that he is a nephew of Houston West who has been listed for enrollment upon doubtful card 408, and the testimony taken in the matter of the enrollment of Houston West will be made part of the record in the case at bar and a copy thereof filed herewith. Said John West having made satisfactory proof as to residence, he will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in the premises.

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J. O. Ressen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ressen

Subscribed and sworn to before me this 19th day of July, 1801.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER ON THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 24, 1901.

In the matter of the application of John West for enrollment as a Cherokee Freedman; said West being sworn and examined by Commissioner T. B. Hurdless, testified as follows:

- Q What is your name? A John West.
Q What is your age? A 33.
Q What is your post office? A Owass.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll best for yourself? A Just myself.
Q Where were you born? A Choctaw Nation.
Q Where have you lived all your life? A Here in the Cherokee Nation ever since I can remember.
Q Did you ever apply to be enrolled to the Choctaw authorities?
A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q On what rolls? A Kern-Clifton.
Q What is your mother's name? A Willie.
Q What was your father's name? A Bece.
Q Is Bece living? A Yes, sir.
Q Mother living? A No, sir.
Q Do you belong to that West family that was here yesterday?
A Yes, sir.
Q What relation are you to Houston West? A He is my uncle.

The 1830 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 111, #2725, John West, Illinois District.

- Q Have you any children? A No, sir.

The Wallace Roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 147, #3067, John West, Sequoyah District.

BY MR. J. S. DAVENPORT, Cherokee Representative.

- Q How old were you when you came from the Choctaw Nation up here?
A I don't know.
Q Where did you locate when you came? A In Sequoyah.
Q How long did you live in Sequoyah? A I have lived there ever since I can remember.
Q When did you come to Owass? A I just moved there eight years ago.
Q To Owass? A Yes, in the Cherokee Nation.
Q You didn't move to Owass eight years ago? A Yes sir, from Sequoyah.
Q Who lives near you other there? A There is several.
Q Don't you know any of their names? A Bill Halsell is one, I guess you are acquainted with him.
Q Tell who else? A There is quite a crowd of them, Ben Claywell.
Q Did you live in the Creek Nation? A No, sir, live right close to Billy Halsell's ranch.

BY MR. W. V. HASTINGS, Cherokee Representative.

- Q Do you remember coming from the Choctaw Nation up to the Cherokee Nation? A No, sir.
Q Your father was Bece West? A Yes, sir.
Q Grandson of old Henry West? A Yes, sir.
Q And Hannah West? A That is my step-grandmother.

COMMISSIONER HURDLESS: John West applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1830 or census roll of 1896. He is identified upon

John West. —

the Wallace and given children according to the page and number of the rolls as indicated in the testimony. He avers that he was born in the Cherokee Nation and has lived in the Cherokee Nation all his life. He avers that he is a nephew of Houston West who has been listed for enrollment upon doubtful card 4003, and the testimony taken in the matter of the enrollment of Houston West will be made part of the record in the case at bar and a copy thereof filed herewith. Said John West having made satisfactory proof as to residence, he will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in the premises.

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J. Q. Neeson, being first duly sworn, states that as stenographer in the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Q. Neeson

Subscribed and sworn to before me this 19th day of July, 1901.

[Signature]

Commissioner.

File with Cherokee Freedmen D-1050, John West.

Department of the Interior,
Commission on the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Newton West for enrollment
as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appreciated.

Applicant not present:

S. W. Hastings, as counsel for Cherokee Nation.

Commissioner: Attorneys for Cherokee Nation make proof of
service of notice that they will introduce testimony in this
case on September 4, 1901.

W. F. HARNAGE, being duly sworn by Commissioner Hastings, tes-
tified as follows:

Q What is your name? A W. F. Harnage.

Q What is your postoffice? A Tahlequah.

Q What is your age? A About 55.

Q You are Cherokee citizen by blood? A Yes, sir.

Q I believe you have a statement that you returned here in December
of 1866, after the war? A Yes, sir.

Q To what part of the Cherokee Nation did you come? A Sequoyah
district.

Q How far did you locate from Fort Smith? A Just across the river,
about half a mile from the line.

Q What relation are you to Lake Harnage? A Half brother.

Q Is he older or younger than you? A He is older.

Q Did you know Walker Mayfield? A Yes, sir.

Q What relation is he to you? A He is my uncle.

Q How long did you continue to remain down there in Sequoyah dis-
trict immediately after you came? A I stayed there in the bottom
until after Christmas, then I went up to Flint.

Q You stayed there until after Christmas of '66? A Yes, sir.

Q About the first of January? A About the first of January some-
time.

Q Now did your uncle Walker Mayfield return when you lived there?

A No, sir.

Q Now how long did you remain up in Flint? A I stayed up there
till about the middle of April and went back down in the bottom.

Q And when you came back had he returned then? A Yes, sir, he
was there then when I went back to the bottom.

Q That was in April of what year? A '67.

Q But when you left there after Christmas of '66, about January,
he hadn't come? A No, sir, he hadn't come in, we left him in Texas
in the fall of '66.

Q You left him there? A Yes, sir.

Q Had he made a crop there in Texas that year? A Yes, sir.

Q You know what kind of a crop, cotton and corn? A Corn and
cotton.

Q Well, how far did he locate from your place and from the place
that you had stopped when you returned there in April of '67?

A About five miles.

Q How long did you stay there? A Yes, sir.

Commissioner: He came there you say in April, '67? A I came
back to the bottom in April '67 and he was there when I came.

Q Walker Mayfield was? A Yes, sir.

Q You know when he came there? A No, sir. He came after I left.
I left the bottom in January, '67, and went up to my uncle's in Flint
and stayed there till April.

Q And he wasn't there when you left? A No, sir, but when I got
back there, he was there.

Q What time is it to your memory that it was in '67? A December 4

Q And at that time we came there, in the fall, and I stayed there till
that Christmas.

Q You are positive of that? A Yes, sir, and after Christmas I
went to Flint.

Q Couldn't have Walker Mayfield come to the Cherokee Nation
before that date? you don't know when he actually did come, do you?

A No, sir, he wasn't there what I left.

Q He wasn't, you mean, on this place? A No, sir.

Q But you don't know whether he was in any other part of the Cherokee
Nation when you left? A No, sir, I don't know whether he was.

Q The first time you saw him was in April, '87? A Yes, sir.

Mr. Hastings: I believe you stated you left him in Texas when you
came to Flint? A Yes, sir, we left him in Texas when we started
commissioners, when was that? A In December, in November, '86.

Q He was living there then? A Yes, sir.

Q Did he bring his old slaves with him when he came back?

A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q When did you first see Houston West? A I saw them all together
at that time.

Q Was Houston West in Texas when you left there? A Yes, sir.

Q Living on Mayfield's farm? A Yes, sir.

Q They made a crop there? A Yes, sir.

Q What kind of crop? A Cotton and corn.

BERNARD HARRAGE, being duly sworn by Commissioner Needles,
testified as follows:

Mr. Hastings: What is your name? A Bernard Harrage.

Q What is your postoffice? A Foyil.

Q What is your age? A 50 years old.

Q You are a Cherokee citizen? A Yes, sir.

Q You were in Texas when the war closed, were you? A Yes, sir.

Q Now when did you return to the Cherokee Nation? A I came back
on the first day of December, 1865.

Q Now to what part of the Cherokee Nation did you come? A Se-
quoyah District.

Q What relation were you to Walk Mayfield? A He was my second
cousin; he was a first cousin of my mother's.

Q You and this other witness are half brothers? A Yes, sir.

Q Different mothers? A Yes, sir.

Q Now you came back, I believe you say, to Sequoyah District?

A Yes, sir.

Q Now you know Walk Mayfield, do you? A Oh yes.

Q Did you see him in Texas? A Yes, I saw him in Texas.

Q How far did you live from him down there, or did he from you?

A About a couple of miles, or hardly that far.

Q Did you leave him, or he leave you there? A I left him there.

Q You moved up in Sequoyah about December 10, 1865?

A Yes, sir.

Q Now what time did Walk Mayfield come to the Cherokee Nation?

A To the best of my knowledge Walk Mayfield came there about the
latter part of March, 1867.

Q Did he bring his slaves with him? A Yes, sir.

Q Did you know Houston West? A Yes, sir.

Q So all these boys, Houston, Curtis and others? A Yes, sir.

Q Did you continue to reside there in Sequoyah District from
December 10 up until the following April, March or April?

Q Oh yes, I was there all the while.

Q Now did you see Walk Mayfield locate from you when he came?

A I saw him and his wife and a half, or five.

Q Did you know Houston West? A Yes, I knew him before.

Q Did he have a sister named Mary? A I don't remember her name.

Q Now about the girls.

Q Well, wouldn't that was a name of Walk Mayfield? A Yes.
 Q When did you first see him, after the war? A I saw him after the war, after Mayfield came back to the Nation.
 Q What was his family? A Yes, sir.
 Q Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867? A I am positive of it.
 Q Is he living? A No, he is dead.
 Q His wife living? A No, she is dead.
 Q What fact fixes the date of Mayfield's return in your mind?
 A The fact of the business is, the fact that fixes it in my mind was about going to work to make a crop.
 Q Well, as to the year? A Oh, I know when I moved, and Walk Mayfield come the next spring like.
 Q You know that you came in '66? A I know that, I am positive of the fact.
 Q Where were you living in '65? A In Texas.

D. M. FALKNER, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A D. M. Falkner.
 Q What is your age, Mr. Falkner? A I am about 60.
 Q What is your postoffice address? A Hanson, Indian Territory.
 Q You a Cherokee by blood? A Yes, sir.
 Q Mr. Falkner, you have been married, I believe, the second time?
 A Yes, sir.
 Q What was your first wife's name? A Her name was Rachel L. Adair.
 Q That was her maiden name? A Yes, sir.
 Q Was she any relation to Walker Mayfield? A Yes, sir, she claimed that Mayfield was her uncle.
 Q Did you know Walk Mayfield yourself? A Yes, sir.
 Q Where were you living in the year of '66 and the spring of '67?
 A I was living in Sequoyah district, Cherokee Nation.
 Q Did you know Walk Mayfield before the war? A Yes, sir.
 Q When did Walk Mayfield return to the Cherokee Nation after the war? A Well, he returned about the first week of April, 1867.
 Q Now Mrs. Falkner, tell the commission why you fix that time, all the circumstances? A Well, this young lady that I spoke of —
 Q That you afterwards married? A Yes; she was boarding with my sister, teaching school, and the news come that her uncle had come home from Texas, just from Texas, and I went with her over there, that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in.
 Q Well, how far was it that you had to go? A Four miles, and then I went with her over there, and the reason why I am so positive about it, we and her was married about ten or fifteen days after that; that is, this young lady.
 Q Your first wife? A Yes, my first wife.
 Q Rachel L. Adair? A Yes, sir, and I have got it in the bible at home, my marriage; we were married about a week or fifteen days after he came, and I think it is dated on the 17th of April, or the 27th of April, when we and her were married, and just a few days before that is when we and her went over there.
 Q That is her uncle, Walk Mayfield? A Yes, sir.
 Q You had heard of him coming these four miles here, and you went over there to see him, and they had just come out? A That is what they claimed, they had just come in.
 Q You hadn't heard of him before that? A No, sir.
 Q Had they have some slaves, colored people, with them? A Yes, sir, they had some there, of course I wasn't acquainted with the slaves, but there was an old man named Henry West, and I have known him ever since; they claimed he had brought in his slaves, and that old man was all I seen.
 Q Had they unloaded the wagons when you got there? A There was

a covered wagon standing there at the house when we got there.
Commissioner: What year were you first married, Mr. Walker?
A It was in April, '67.

Q You are positive of that? A Yes, sir, I have got it in the bible at home.

Q You didn't know Henry West, a slave? A No, sir, I didn't know him, they told me that was his darkies, all I know.

Q You don't know of Walker Mayfield coming into the Territory before that time at some other point? A No, sir, that is the only time I heard about it, and I lived by him before the war.

Mr. Hastings: Your first wife is dead? A Yes, sir, she is dead.

Commissioner: Walker Mayfield dead? A Yes, sir.

Q His wife dead? A Yes, sir.

Q Any of his children living? A Well, I don't know, no, sir, all dead; he had three boys but they are all dead.

Q How far is this Walker Mayfield place, where he came to, from the Cherokee line? A It is about four miles and a half, or five; they crossed there at Fort Smith I suppose, to go to that place.

Q Four or five miles from that place to Fort Smith? A Yes, sir.

Q Coming from Texas then, that would be the first place they would strike in the Territory? A Yes, sir.

Q There is where they all crossed? A Yes, sir.

Q Were you down in Texas? A No, sir, I was at Skullyville, across the river there, in '65 and '66; '66 I moved over with my sister.

Commissioner: This testimony will be made part of the record in the case of Dallas West, D-1000, and George West, D-990.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 26th of December, 1901.

M. D. Green
Notary Public.

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COMMISSION TO INVESTIGATE
DEPARTMENT OF JUSTICE

Q married then? A No, sir. I think not, I never knew
of it.
Q What was West living now? A I haven't seen him for
some time, I don't know.
Q You know some West? A No, sir, I don't, don't remember him.

W. T. HARNAGE, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: Mr. Harnage, what is your name? A W. T. Harnage.

Q What is your age? A I am 53.

Q What is your postoffice? A Tahlequah.

Q Mr. Harnage, do you know a colored man by the name of Boco West?

A Yes, sir.

Q Do you know his wife's name? A His wife's name was Millie.

Q Do you know his children? A I know one or two of their names,
he had two boys I think they called one John and the other Sylvester,
Silly they called him.

Q Do you know whether he had a girl named Eugenia or not? A I
don't remember the other children.

Q Do you know who Boco West belonged to before the war? A He
belonged to my father.

Q What was your father's name? A John Harnage.

Q Where did your father live when the war broke out? A He lived
in Russ County, Texas.

Q How long had he been living in Texas? A He had been living
there quite a while, I can't remember how long.

Q A number of years? A Yes, sir, been living there 15 or 20 or
30 years, longer than that I expect. I just can't remember when he moved
to Texas.

Q Was he a citizen of the State of Texas when the war broke out?

A Yes, sir.

Q Well, when you came back to the Cherokee Nation to what point
did you return? A Down in Sequoyah district.

Q Well, do you know when Boco West came back to the Cherokee Nation?

A He came back in 1880, sometime, I don't recollect the date or
the year exactly.

Q Was this Boco West sometimes known as Boco Harnage? Yes, sir.

Q Was this Boco West sometimes known as Boco Harnage? A Yes, sir.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of John West for enrollment
as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant present in person;

W. W. Hastings, of counsel for Cherokee Nation.

W. H. BARKER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. H. Barker.

Q What is your age? A I am 80 years old.

Q What is your postoffice? A Muskogee, Indian Territory.

Q Mr. Barker, you are a citizen of the Cherokee Nation by blood?

A Yes, sir.

Q When did you come to the Cherokee Nation? A I was born and raised in the Cherokee Nation.

Q Well, you went to Texas a while didn't you? A Yes, sir, I went there in the latter part of '71, or in '72, and I came back, and went back in the spring of '75.

Q I will ask you if you know a colored man by the name of Boce West?

A Yes, sir.

Q Do you know his wife's name? A Her name was Millie West, Millie English was her former name.

Q Do you remember Boce West's children? A Yes, sir, I remember all he had when I left Texas, but I don't remember the names of the girls because there was about eight or ten, I think there was about ten children, and there was two or three sets of twins I think of them.

Q What was their names? A I know four of the boys' names, there was John and I believe they called the other Chilly, or something like that but I don't remember, and the other William Barker and William Still, that was for me, they lived there, and a nephew of mine was named William Still; and the girls, I don't remember much about them.

Q Do you know whether one of them was called Lueania? A I don't remember.

Q When did you first know Boce West? A I knew him in '75.

Q Where was he living at that time? A He was living in Russ County; you want the postoffice?

Q What state, Texas? A He was living in Russ County, Texas.

Q Was he married there? A Well, he was married when I went to Texas.

Q He had a wife and some children at that time? A Yes, sir, these two boys were there and some girls, I think the boys was twins, John and Chilly, I think it was something like that.

Q How long did he continue to reside there immediately after you knew him in '75? A He worked for me and my mother in law there on a farm about till March, '77, and I moved to this country; I went back in August, '77, my wife didn't like to live in this country, and we went back in August, '77 - '78 I believe it was, '78, and when we got back, why he was still there on the farm with my mother in law, Mrs. Mayfield.

Q Do you know when he came out here? A He came out here in November, 1883.

Q Do you know whether he had ever been here before since the war, or not? A Nothing only what they told me; he never had been in the Territory, so they said.

Q How do you know he came here November, '83?

A Well, I left there along about the first, somewhere between the first and 10th of November, and he had started ahead of me a few days, with my wagon and team, to bring it through for me, and shortly after I got to this country why he got here, came to this country, Muskogee.

Q Did he bring his wife and children with him? A The two boys first, John and Chilly came along in this wagon, and John Wyche came in the wagon, but him and his wife and other children came along with my wife and little girl, all come on the train after that.

Q His wife and some children came with your wife a little later than you did in 1883, on the train? A Yes, sir, they never lived here until I come here and got my home and located, before they started.

Q Then you knew them in Texas for nearly all the time from '75 till '83? A Yes, sir, I knew them all the time, they were right there with us on the farm: Boce moved off one year and lived with John Jacobs, and he came back that fall, he couldn't stay with him.

Q You never heard him say anything about having been up here before that? A I heard him say positively he never had: I like to not get him to come either, seemed like he didn't want to come to this country.

Commissioner: You know Houston West? A No, sir, I don't know Houston West, he didn't belong to that set of the Wests down there; Boce had a brother named Joe West and a half brother named something else, Jeff something; he ran off and came out there, they had him charged with rape.

Q And you say Boce West, the father of John West, didn't move to the Cherokee Nation, to your knowledge, until about the year 1885?

A November, 1885, is when he come here.

W. J. MOUNTS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. J. Mounts.

Q What is your age, Mr. Mounts? A 69.

Q What is your postoffice? A Fort Gibson.

Q Mr. West, you were in Texas during the war, weren't you? A No, sir.

Q Did you go there after the war? A I went there after the war.

Q What county? A Russ.

Q Did you know a colored man in Texas by the name of Boce West?

A Well, I knew him in that country as Boce Harnage, but I presume it is the same; I have been told since: Boce Harnage was the name he went by there.

Q Well, when did you know that party? A I went there in '67, he worked for me during the summer of '67.

Q How can you remember he began to work for you? A He began to work regular sometime in March.

Q You know how long he continued to work regular for you? A The first day of November.

Q How do you fix the dates so positively? A I had to pay him for what he done, and a man naturally knows about how much money he pays out, and knows when his time was up.

Q Did you ever see him after he came out here? A Once, maybe twice; I think I saw him before he came to apply to apply to this Commission, and I probably saw him a year or so before.

Q Do you know what name he goes by out here? A He goes by West, but it is the same man; he was known there as Boce Harnage.

Q Do you know who he came out here with? A No, sir, I don't know, the first time I knew of him he was out on the Canadian about six miles from me, between here and Hagar, that is the first I heard of him since I left him in Texas.

Q You left there then? A On the 15th of December, '87.

Q And you left him there? A Yes, sir, left him there.

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Q Was he married then? A No, sir, I think not, I never knew
of it.
Commissioner: How West living now? A I haven't seen him for
some time, I don't know.
Q You know John West? A No, sir, I don't, don't remember him.

W. T. HARNAGE, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: Mr. Harnage, what is your name? A W. T. Harnage.
Q What is your age? A I am 53.
Q What is your postoffice? A Tahlequah.
Q Mr. Harnage, do you know a colored man by the name of Boce West?
A Yes, sir.
Q Do you know his wife's name? A His wife's name was Millie.
Q Do you know his children? A I know one or two of their names,
he had two boys I think they called one John and the other Sylvester.
Silly they called him.
Q Do you know whether he had a girl named Eugenia or not? A I
don't remember the other children.
Q Do you know who Boce West belonged to before the war? A He
belonged to my father.
Q What was your father's name? A John Harnage.
Q Where did your father live when the war broke out? A He lived
in Ross County, Texas.
Q How long had he been living in Texas? A He had been living
there quite a while, I can't remember how long.
Q A number of years? A Yes, sir, been living there 15 or 20 or
30 years, longer than that I expect, I just can remember when he moved
to Texas.
Q Was he a citizen of the State of Texas when the war broke out?
A Yes, sir.
Q Well, when you came back to the Cherokee Nation to what point
did you return? A Down in Sequoyah district.
Q Well, do you know when Boce West came back to the Cherokee Nation?
A He came back in 1880, sometime, I don't recollect the date or
the year exactly.
Q Was this Boce West sometimes known as Boce Harnage? A Yes, sir.
Q You left him in Texas when you left? A Yes, sir.
Q You never saw him here up until the eighties? A No, sir, he
came out to my house.
Q You never saw any of his children here until then? A No, sir,
I haven't seen any of the children.
Commissioner: You know John West? A No, sir, maybe it is his
boy John, I don't know about that.
Q Is Boce West living? A He was last spring.

Commissioner: This same testimony to be filed in the
case of Eugenia Harris, B-1032.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and correct transcript of his stenographic notes thereof.

Bruce C. Jones
Sworn to and subscribed before me this 25th of September, 1901.

C. R. Buckinwire
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 4, 1901.

In the matter of the application of John West for
enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant present in person;
W. W. Hastings, of counsel for Cherokee Nation.

W. H. Barker, being duly sworn by Commissioner Needles,
testifies as follows:

Mr. Hastings: What is your name? A W. H. Barker.

Q What is your age? A I am 30 years old.

Q What is your postoffice? A Muskogee, Indian Territory.

Q Mr. Barker, you are a citizen of the Cherokee Nation by blood?

A Yes, sir.

Q When did you come to the Cherokee Nation? A I was born and
raised in the Cherokee Nation.

Q Well, you went to Texas a while didn't you? A Yes, sir, I
went there in the latter part of '71, or in '72, and I came
back, and went back in the spring of '75.

Q I will ask you if you know a colored man by the name of Boce
West?

A Yes, sir.

Q Do you know his wife's name? A Her name was Millie West,
Millie English was her former name.

Q Do you remember Boce West's children? A Yes, sir, I remember
all he had when I left Texas, but I don't remember the names
of the girls because there was about eight or ten, I think
there was about ten children, and there was two or three sets o
twins I think of them.

Q What was their names? A I know four of the boys' names,
there was John and I believe they called the other Chilly, or
something like that but I don't remember, and the other, William
Barker and William Still, that was for me, they lived there, and
a nephew of mine was named William Still; and the girls, I don't
remember much about them.

Q Do you know whether one of them was called Lugonia? A I don't
remember.

Q When did you first know Boce West? A I knew him in '75.

Q Where was he living at that time? A He was living in Russ
County; you want the postoffice?

Q What state, Texas? A He was living in Russ County, Texas.

Q Was he married there? A Well, he was married when I went to
Texas.

Q He had a wife and some children at that time? A Yes, sir,
these two boys were there and some girls, I think the boys was
twins, John and Chilly, I think it was something like that.

Q How long did he continue to reside there immediately after you
knew him in '75? A He worked for me and my mother in law there
on a farm about till March '77, and I moved to this country; I
went back in August, '77, my wife didn't like to live in this
country, and we went back in August, '77 - '78 I believe it
was, '78, and when we got back, why he was still there on the
farm with my mother in law, Mrs. Mayfield.

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- Q Do you know when he came out here? A He came out here in November, 1863.
- Q Do you know whether he had ever been here before since the war, or not? A Nothing; only what they told me; he never had been in the Territory, so they said.
- Q How do you know he came here November, '63?
- A Well, I left there alone about the first, somewhere between the first and 10th of November, and he had started ahead of me a few days, with my wagon and team, to bring it through for me, and shortly after I got to this country why he got here, came to this country, Muskogee.
- Q Did he bring his wife and children with him? A The two boys first, John and Chilly came along in this wagon, and John Wythe came in the wagon, but him and his wife and the other children came along with my wife and the little girl, all come on the train after that.
- Q His wife and some children came with your wife a little later than you did in 1863, on the train? A Yes, sir, they never lived here until I came here and got my home and located, before they started.
- Q Then you knew them in Texas for nearly all the time from '75 till '83? A Yes, sir, I knew them all the time, they were right there with us on the farm; Boce moved off one year and lived with John Jacobs, and he came back that fall, he couldn't stay with him.
- Q You never heard him say anything about having been up here before that? A I heard him say positively he never had; I like to not let him to come either, as if he didn't want to come to this country.
- Commissioner: You mean John West? A No, sir, I don't know Houston West; he didn't belong to that set of the Wests down there; Boce had a brother named Joe West and a half brother named something else, John something; he ran off and came out there, they had him charged with rape.
- Q And you say Boce West, the father of John West, didn't move to the Cherokee Nation, to your knowledge, until about the year 1883?
- A November, 1863, is when he came here.

W. H. WITTS, Deft., called on by Commissioner Needles, testified as follows:

- Mr. Needles: What is your name? A W. H. WITTS.
- Q What is your age? A 69.
- Q What is your birthplace? A Fort Gibson.
- Q Mr. Wits, you were in Texas during the war, weren't you? A No, sir.
- Q Did you go there after the war? A I went there after the war.
- Q What country? A Russia.
- Q Did you know a colored man in Texas by the name of Boce West?
- A Well, I knew him in that country as Boce Harnage, but I presume it is the same; I have been told since; Boce Harnage was the name he went by there.
- Q Well, when did you know that party? A I went there in '67.
- Q He worked for me during the summer of '67.
- Q How can you remember he began to work for you. A He began to work regular some time in March.
- Q You know how long he continued to work regular for you? A The first day of November.
- Q How do you fix these dates so positively? A I had to pay him for what he done, and a man naturally knows about how much money he pays out, and when his time was up.

- Q Did you ever see him after he came out here? A Once, maybe twice. I think I saw him before he came to apply to apply to this Commission, and I probably saw him a year or so before.
- Q Do you know what name he goes by out here? A He goes by West, but it is the same man; he was known there as Boce Harnage.
- Q Do you know who he came out here with? A No, sir, I don't know, the first time I knew of him he was out on the Canadian about six miles from me, between here and Bragg, that is the first I heard of him since I left him in Texas.
- Q You left there then? A On the 15th of December, '67.
- Q And you left him there? A Yes, sir, I left him there.
- Q He wasn't married then? A No, sir, I think not, I never knew of it.
- Commissioner: Boce West living now? A I haven't seen him for some time, I don't know.
- Q You know John West? A No sir, I don't, don't remember him.
- V. T. Harnage, being duly sworn by Commissioner Needles, testified as follows:
- Mr. Hastings: Mr. Harnage, what is your name? A V. T. Harnage.
- Q What is your age? A I am 53.
- Q What is your postoffice? A Tablequah.
- Q Mr. Harnage, do you know a colored man by the name of Boce West?
- A Yes, sir.
- Q Do you know his wife's name? A His wife's name was Millie.
- Q Do you know his children? A I know one or two of their names, he had two boys I think they called one John and the other Sylvester, Billy they called him.
- Q Do you know whether he had a girl named Lugenia or not?
- A I don't remember the other children.
- Q Do you know who Boce West belonged to before the war? A He belonged to my father.
- Q What was your father's name? A John Harnage.
- Q Where did your father live when the war broke out? A He lived in Russ County, Texas.
- Q How long had he been living in Texas? A He had been living there quite a while, I can't remember how long.
- Q A number of years? A Yes, sir, been living there 15 or 20 or 30 years, longer than that I expect, I just can remember when he moved to Texas.
- Q Was he a citizen of the state of Texas when the war broke out?
- A Yes, sir.
- Q Well, when you came back to the Cherokee Nation, to what point did you return? A Down in Sequoyah district.
- Q Well, do you know when Boce West came back to the Cherokee Nation?
- A He came back in 1880, sometime, I don't recollect the date or the year exactly.
- Q Was this Boce West sometimes known as Boce Harnage? A Yes, sir.
- Q You left him in Texas when you left? A Yes, sir.
- Q You never saw him here up until the eighties? A No, sir. I haven't seen any of the children.
- Commissioner: You know John West? A No, sir, maybe it is his boy John, I don't know about that.
- Q Is Boce West living? A He was last spring.

Commissioner: This same testimony to be filed in the case of Lugenia Harris, D-1882.

Grace C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Grace C. Jones,

Sworn to and subscribed before me this 24th day of September 1904.

(Signed) C. R. [unclear]
Commissioner,

Edith Lewis, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, she correctly copied the testimony and proceedings in this case, and that the foregoing is a true and complete copy of the above.

Edith Lewis

Subscribed and sworn to before me this 19th day of June, 1904.

Charles H. [unclear]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Houston West, et al./
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of

Houston West, et al.,	Cherokee Freedmen D 989,
George West, et al.	" " " D 990,
Callis West	" " " D 1000,
John West	" " " D 1030,
Lugenia Harris, et al.,	" " " D 1032,
Callis West,	" " " D 1054.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Houston West for himself and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George, Jr., Jessie, Albertina, and James West as Cherokee Freedmen, and for his wife, Lizzie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lizzie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West), for himself; by John West for himself; by Lugenia Harris for herself and her minor child, Janie Harris, and by Callis West (son of Houston West), for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. The Cherokee Nation, et al., for the return of freedmen to said nation; that all the other applicants herein, except Lizzie West, John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Phoebe West, or of Houston West, and, having been born since 1866, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Lugenia Harris and Janie Harris were born since 1866, and are the descendants of Rose West and Millie West; and that they acquired no greater rights, as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Rose West,

-2-

was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicant's names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 1902.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stat., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West, George West, Jr., Jessie West, Albertha West, Callie West (son of Henry West), John West, Lugenia Harris, Janie Harris and Callie West (son of Houston West), as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats. 495), and it is so ordered; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

9 (Signed) Tams Birby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this Aug 5 1904.

COMMISSIONER
VANCE HENRY,
THOMAS S. HENDON,
C. S. HENNINGHOUSE.

W. C. HALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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REPORT OF CASE TO THE COMMISSIONER
Cherokee Freedmen
D-1030.

Muskogee, Indian Territory, August 16, 1904.

John West,

Owasso, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Encl. S-64.
Register.

Commissioner in Charge.

COPY

Cherokee Division
B-500-725-5000-5000
-5000-5000.

Mustoge, Indian Territory, August 17, 1904.

Mustoge, Hall & Newport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision in the consolidated case of Houston West, et al., rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgia, William, Callie, John, Callie, George, George Jr., Jesse and Albertina West, and Eugenia and Jamie Harris, as Cherokee freedmen, and dismissing the application for the enrollment of James West, he having died prior to September 1, 1904.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 5-00.

Commissioner in Charge.

COPY.

Sherokee Freedmen
D-500-2000-1000-
1000-2000.

Muskogee, Indian Territory, August 17, 1904.

A. E. McRae,

Attorney for Houston West, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 4, 1904, in the consolidated case of Houston West, et al., rejecting, among others, the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgie, William, Callie, John and Callie West, and Lugenia and Janie Harris as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. D. Neill.

Encl. Both,
Register,

Commissioner in Charge,

COPY

Washington, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joseph West, et al., including the Commission's decision, dated August 5, 1904, rejecting the applications for the enrollment of Joseph, Lin, Henry, Jennie, Georgia, William, Nellie, John, Nellie, George, George Jr., Jennie and Albertine West, and Inguia and Jennie Harris, as Cherokee freedmen, and dismissing the application for the enrollment of Joseph West, he having died prior to September 14, 1904.

Respectfully,

Very truly,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:
Land
87384-1904.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Eugenia Harris for herself and her minor child, Janie Harris and by Callis West (son of Houston West) for himself.

August 5, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, Houston West and Callis West, together with their parents, Henry and Elsie West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that all the other applicants except John West, Eugenia Harris and Janie Harris were born

since 1866, and are the descendants of Doug West and Millie West, and that they acquired no greater rights than were possessed by their ancestors. It does not appear that either Doug or Millie West were the slaves of a Cherokee citizen or of a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the applicants is identified on the 1860 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C. Fenner

Acting Commissioner

H. H. N.
W.

D. O. 2004-1904
I.T.D. 7004-1904

(C O P Y)

V. O.F.
J.V.
FHB
L.R.S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 15, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the enrollment as Cherokee freedmen of Houston West and his minor children, Ida, Nancy, Fannie, Georgie, and William West; of George West and his minor children, George Jr., Jessie, Albertina and James West, and his wife, Lizzie West; of Callis West (son of Henry West); of John West; of Eugenia Harris and her minor child, Janie Harris; and of Callis West (son of Houston West). The application for the enrollment of the applicant Lizzie West as a Cherokee freedman by intermarriage was not passed upon by you, and is therefore not included in this decision.

It appears that the applicant James West died June 17, 1902. On August 8, 1904, you dismissed the application for the enrollment of James West, and decided that all the other applicants herein are not entitled to enrollment.

Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, and on September 21, 1904, he forwarded a petition, in behalf

of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Eugenia Harris were born subsequent to 1866, and are son and daughter of Boss West, a brother of the applicant Houston West. The evidence shows that Boss West did not return to the Cherokee Nation prior to February 11, 1867.

Your decision, in so far as it affects said John West, Lougenia Harris and Janie Harris, is therefore approved. Your decision in so far as it affects Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George

West, George West Jr., Emma West, Albert West, Nellie West
(son of Henry West), and Nellie West (son of Houston West).
is referred, and you are directed to enroll said applicants as
Cherokee Freedmen.

A copy of the Acting Commissioner's letter is
inclosed.

Respectfully

1 inclosure

Thos. Ryan
Acting Secretary

COMMISSIONER
TAMM HENRY,
THOMAS S. HENRY,
C. E. HENRY,
Wm. G. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE FREEDMAN D-1080

Washoe, Indian Territory, November 2, 1904.

John West,

Owasso, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was approved by the Secretary of the Interior on October 15, 1904.

Respectfully,



Chairman.

Cherokee Freedmen
D-1030, D-1032.

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the applications for the enrollment of John West, Lugenia Harris and Janie Harris, as Cherokee freedmen, was approved by the Secretary of the Interior on October 15, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-1080.

Muskogee, Indian Territory, March 21, 1904.

John West,

Oatoosa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 6, 1904, asking to be advised as to the status of your application for enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision dated August 5, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904, of which action you were notified on November 2, 1904.

Respectfully,

(SIGNED).

Tattie Dixby
Chairman.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS

In the matter of the application of John West
for enrollment as a Cherokee Freedman.

No. E. D. 1030 J. C. Starr of lawful age, being duly sworn on
oath states that on the 28 day of August, A. D., 1901, he registered
to John West whose postoffice is Owasso
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Winita Indian Territory;
and that on the 4th day of August, 1901, he received the return
card which is hereto attached, signed by the said John West, showing
that he had received said notice.

Subscribed and sworn to before me on this the 4th day of Aug, A. D. 1901.

W. H. Hushings
Notary Public.

72 1030

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
day of..... A. D. 1901.

Given under my hand this
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the day of..... A. D. 1901

Subscribed and sworn to before me
this day of..... A. D. 1901.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

FILED
SEP 4 1901

ACTING CHAIRMAN

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES**
FILED
SEP 4 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of John West
for enrollment as a Cherokee Freedman:

Case No. F. D. 1030

To John West, Owasso, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Ft. Gibson Indian Territory, on the following dates, to-wit: September 4th A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 28th day of August, 1901.

W. H. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

7101030

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
 Post Office Owassa, Okla.
 District Okla.

1. Name John West Age 33
 Owner's name _____ Citizenship _____
 Year 1866 Page 111 No. 2775 District Ill

Parents:

Father Boas West Citizenship _____
 Mother Millie Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
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12.				

Application made by no. 1 Stenographer J. O. Reason

1 On wallaway, P. 147 * 3067 - Sec

XRef 0989

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
 Post Office Owassee, Ia
 District Mo.

1. Name John West Age 33

Owasa's name _____ Citizenship _____

Year 1866 Page 111 No. 2775 District Ill

Parents:

Father Rose West Citizenship _____

Mother Millie Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
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Application made by Mr. 1 Stenographer J. O. Reason

1 On wallace row, P. 147 * 3067 - Sec

X Ref 0989

65 JWB 1030

FIELD
MAR 24 1962

~~SECRET~~

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John West,

Owasso, I. T.

Cherokee-F-D-1030.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



15-



Department of the Interior

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$200.

Mr. John West,

Owasso, Indian Territory.

5264

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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

*Returned to Writer
(undelivered)*

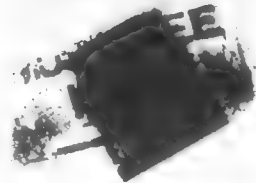
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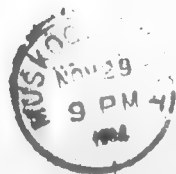
John West,

*44
144*

REGISTERED
AUG 19 1904
MUSKOGEE, IND. TER.

Quassoo, Indian Territory.





Department of the Interior.

Commission to the Five Civilised Tribes,
MUSKOGEE, IND. TER.

C7D 1030

[Handwritten signature]

*Return to Writer
(Unclassified)*

General Office
Cherokee Freed.

~~and West,~~

~~Owasso, Indian Territory.~~



Cher. Fr. R. 792

Trans. from C. Fr. D. 1038

Cher. Fr. R. 792

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 6, 1901.

In the matter of the application of Jane Daniels for the enrollment of herself and one child as Cherokee Freedmen; said Daniels being duly sworn and examined, testified as follows:

By the Commission:

- Q What is your name? A My name before I married was Jane -
Q What is your name now? A My name is Jane Daniels now.
Q How old are you? A I am 28 years old.
Q What is your post office address? A Shawnee.
Q Shawnee, Oklahoma? A Shawnee, Oklahoma.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you apply for anyone besides yourself? A No, sir, any my children.
Q How many children have you? A Only two.
Q What is the name of the oldest one? A Willie Butler, she is married now.
Q She will have to apply for herself; have you any children that are not married? A Have one.
Q What is its name? A Fred.
Q How old is he? A 16.
Q Is his name Fred Daniels? A No, sir, his name is Fred Moore.
Q What is the name of your father? A Smith.
Q What is his full name? A Joe Smith.
Q Father living or dead? A He is dead.
Q Was he a Cherokee freedman? A Yes, sir.
Q What is the name of your mother? A Lucinda Smith.
Q Is she living? A No, sir, she is dead.
Q Was your mother a Cherokee freedman? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation about ten or twelve years.
Q When? A Right here.
Q When? A Just last year or two right here.
Q How long have you been living at Shawnee? A Just went out there last Spring.
Q Have you always lived in the Cherokee Nation before you went to Shawnee? A Yes, sir.
Q Who is the father of Fred Moore? A Why, he is a; he was living here, but he ain't living here now.
Q What was his name? A His name was Arch Moore.
Q Are you married now? A Yes, sir.
Q What is your husband's name? A George Daniels.
Q Is he a Cherokee freedman? A No, sir.
Q Were you ever married before you married him? A Yes, sir.
Q What was the name of your first husband? A My first husband was a Fletcher.
Q Full name, please? A Named Fred Fletcher.
Q Were you ever married to any other man besides Fletcher and Daniels? A No, sir.
Q Have you ever been recognized as a freedman of the Cherokee Nation? A Yes, sir.
Q When? A I have always got the money.
Q Is your name on the roll of 1880? A I don't know, sir, I could not tell you.
Q What was your name at that time, about 20 years ago?
A Jane Smith is my name.
Q Did you ever draw any money from the Cherokee Nation? A Yes, sir.
MR. W. W. HASTINGS, Cherokee Representative:
Q How old are you? A I am 28 years old.
Q Where were you born? A I was born right down here below Webbers falls.
Q In what Nation? A In the Cherokee Nation I reckon.
Q How far from Webbers Falls? A Three miles.

Jane Daniels, et al.--2.

- Q What was your mother's name at that time? A Her name was Lucinda Smith.
- Q Has she always gone by that name, up to her death? A Yes, sir.
- Q When did she die? A I was small when she died; I was about 12 years old I reckon when she died.
- Q Did she die down there at Webbers Falls? A No, sir; she died little below Webbers falls or above it I forget which now; it has been so long.
- Q How far from Webbers falls? A I don't know whether it was two miles or three miles, I was small.
- Q Was she and your father living together then? A Yes, sir.
- Q Who did you live with after your mother died? A I lived with another Indian woman.
- Q What was her name? A Her name was Smith; their name was Smith too; do you all know Frank Smith?
- Q Yes. A Well, he was his brother.
- Q What was his name? A His name was Joe Smith.
- Q When did you leave the neighborhood of Webbers Falls; how old were you? A I could not tell you how old I was, because it has been so long I forget it.
- Q Well, how long after your mother died? A I reckon I left there maybe a couple of years after she died.
- Q When where did you go? A The Indians carried me down in Texas.
- Q And you were married in Texas? A No, sir, wasn't married in Texas.
- Q Well, how long did you stay down there in Texas? A I was a good big woman when I come back from Texas.
- Q Did you have any child born down there? A No, sir; didn't have any children at all.
- Q Where were you married? A When I was married I was married in Little Rock.
- Q How long had you been in Little Rock before you were married? A I had been married,-
- Q How long had you been living there before you married? A I had been living there a right smart while.
- Q Well, about how many years? A About two years.
- Q Who were you living with there? A I was living with these same people, these same Indians.
- Q Smith? A Yes, sir.
- Q How long did you live there after you married? A I lived there a good while.
- Q Well, about how many years? A About two or three years.
- Q Was this married daughter of yours born there? A Yes, sir.
- Q Was this son of your born there? A No, sir.
- Q Where was he born? A Fort Smith.
- Q Arkansas? A Yes, sir.
- Q Well, you lived in Little Rock before you moved up to Fort Smith? A Yes, sir.
- Q And there this son for whom you apply was born? A Yes, sir.
- Q Well, how many years did you live in Fort Smith after he was born? A 12 years.
- Q Until this child was 12 years of age? A Yes, sir.
- Q Well, where did you go from Fort Smith? A Came here.
- Q And how long did you live here? A I have been living here for about seven years.
- Q And then you went from here to Oklahoma? A Yes, sir.
- Q Where did you live here in Fort Gibson? A I lived right down there in front of Mr. Nash's and in different houses.
- Q Down town? A Yes, sir; in the old Government house right down there I lived in that.
- Q Did you apply to the Kern-Clifton Commission four years ago? A Yes, sir.
- Q By what name? A Jane Smith.
- Q Have you got any witnesses here? A I don't see any here now, but they were here then.

Jane Daniels, et al.--3.

Q This was your first time you ever went to Oklahoma? lived in Oklahoma? A Yes, sir.

Q You went there this last Spring, 1901? A Yes, sir; I left from right here.

Q Your husband out there now? A Yes, sir.

Q This child for whom you apply out there? A Yes, sir.

The 1880, the 1896 and Kern-Clifton rolls of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Commissioner: Did you ever go by any other name besides Jane Smith? A No, sir.

Q Did you ever draw any money? A Yes, sir, I drew money.

Q When? A The first money I drew, I drew it right down here where this old building was. I come from Bragg and drew it.

Q How long ago was that been? A That has been about 12 or 13 years.

Q You have never drawn any money since that time? A Got head right all the time.

Q You didn't draw the Kern-Clifton money? A No, sir.

Q Is your name upon any of the rolls of the Cherokee Nation?

A It ought to be my mother's name was there.

Q When did your mother die? A I could not tell you when my mother died; there was witnesses here that could tell better than I could.

Q She died before you were grown? A Yes, sir; Bill Daniels could tell the date she died, and when she was buried and everything, he lives at Claremore; he was witness for me before him and Uncle Dula Webber.

Q Have you any witnesses around Fort Gibson here, anybody here that knew your mother? A I don't know, sir, whether there is any of them here now that knows her or not.

Q Do you know of anyone at all that knows your mother?

A No, sir, not right around here, I don't.

MR. HASTINGS: Who do you claim that your mother belonged to?

A This man Smith.

Q That went to Little Rock? A Yes, sir, she belonged to the Indians.

Q Well, this man Smith still living in Little Rock there?

A I don't know where he is.

Q Well, did you leave him down there? A Yes, sir, I left him there, but they have been back since and he has died; he is a brother to Frank Smith what used to be here, stayed at Mr. Scotts.

Q You don't know where your mother lived before the war, where she said she lived? A No, sir.

COMMISSIONER: Jane Daniels applied for the enrollment of herself and one child as Cherokee Freedmen. She is not identified upon any of the tribal rolls in the possession of the Commission. From the testimony it appears that she has been living outside of the Cherokee Nation for the greater part of her life. She avers that she was a daughter of one Lucinda Smith and was a slave of a Cherokee Indian. She does not produce any satisfactory proof to show that her father or mother was a slave of a Cherokee Indian. For the further consideration of the Commission and for the privilege of giving the applicant an opportunity to introduce such evidence as she may deem necessary for enrollment, she will be placed upon a doubtful card. Her son, Fred Moore, who is the son of Arch Moore, a white man, will likewise be listed with its mother on a doubtful card.

Jane Daniels, et al., vs.

J. S. Henson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he perfectly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. S. Henson

Subscribed and sworn to before me this September 7th, 1904

Commissioner

M. D. [Signature]
M. D.

RECORDED
IN
THE
OFFICE OF THE
COMMISSIONER
OF THE
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
SEP 10 1904

A. F. M.
J. H. M.

Cherokee Freedmen D-1038.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jane Daniels, et al., as Cherokee Freedmen.

-:-

D E C I S I O N.

The record herein shows that on September 6, 1901, Jane Daniels appeared before this Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and minor child, Fred Moore, as Cherokee Freedmen.

After ample opportunity having been afforded, the applicants herein have failed to establish that they possess any rights to enrollment as Cherokee freedmen.

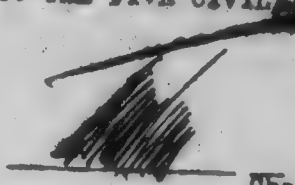
The evidence in this case indicates that the principal applicant, Jane Daniels, is somewhat older than the age given in her testimony, as it is shown that she left the Cherokee Nation when about fourteen years of age, and that for at least seventeen years she resided outside the limits of the Indian Territory. It is considered by this Commission that even though the applicant, Jane Daniels, did, at one time, possess rights to citizenship as a Cherokee freedman, she has since forfeited same, under section two, article one, of the Cherokee Constitution, which, in part, provides:


"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

The minor applicant herein is the child of the applicant Jane Daniels, was born since his mother forfeited her rights to citizenship as a Cherokee freedman, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of his said mother. Neither of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant, et al., (I. T. D. 3642-04), Ed Williams, (I. T. D. 4230-04), William Hester, (I. T. D. 1488-04), Minnie Duncan, et al., (I. T. D. 1470-04), Samantha Chambers, (I. T. D. 2296-04), Martha Albert, et al., (I. T. D. 4732-04), and Emily Thompson, (I. T. D. 1812-04), the application for the enrollment of Jane Daniels and Fred Moore, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman



Commissioner


Commissioner

Dated at Muskogee, Indian Territory,
this MAY 13 1905

Q 710-1638

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1901

 ACTING

COMMISSIONERS:
HENRY L. DAWES,
TAMM SIXTY,
THOMAS B. NEEDLES,
C. R. BRIDGEMAN.

ALLISON L. AYLEWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Minute V.T. Oct 22-1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Jane Daniels et al. for enrollment as
Cherokee Freedmen.

No. 701738

J. P. Bledsoe
Agent for applicants

(COPY)

Cherokee freedmen
D 1036.

Muskogee, Indian Territory, February 2, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation.

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Jane Daniels, et al., for enrollment as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether the parents of Jane Daniels were slaves of Cherokee citizens before the commencement of the war of the rebellion and as to whether they returned to and established their residence in the Cherokee Nation after the war within the time provided in the treaty of 1866; also further testimony as to the residence of said Jane Daniels since her birth.

The said Jane Daniels has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday March 3, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge

(0 0 0)

Cherokee Freedmen
p 1032.

Muskogee, Indian Territory, February 2, 1904

Jane Daniels,

Shawnee, Oklahoma.

Dear Madam:

In the matter of your application for enrollment of yourself and your minor child, Fred Moore, as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether your parents were slaves of Cherokee citizens before the commencement of the war of the rebellion and as to whether they returned to and established their residence in the Cherokee nation after the war within the time provided in the treaty of 1866; also further testimony as to the residence of yourself since your birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday March 3, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge

COPY.

Cherokee Freedmen
D-1038.

Muskogee, Indian Territory, May 13, 1906.

Jane Daniels,

Shawnee, Oklahoma.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of yourself et al., as Cherokee freedmen. There has heretofore been furnished your agent, I. P. Bledsoe, Choteau, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Indl. L-57.

Register.

(SIGNED) *Tame Sixby.*
Chairman.

COPY.

Cherokee Freedman
D-1034

Muskogee, Indian Territory, May 15, 1906.

I. P. Bledsoe,

Agent for Jane Daniels et al.,

Cherokee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 15, 1905, rejecting the application for the enrollment of Jane Daniels et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings and in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *Tams Bixby*
Chairman.

Incl. L-24.

Register.

COPY.

Cherokee Freedman
D-1032

Muskogee, Indian Territory, May 13, 1905.

Ball, Hastings & Ravenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Jane Daniels et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. L-58.

SIGNED, *Tamie Firby*
Chairman

COPY.

Cherokee Freedman
D-1038.

Muskogee, Indian Territory, May 13, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jane Daniels et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1906, rejecting said application.

Respectfully,

Incl. L-59.

(SIGNED). *Tame Dixby.*
Chairman.

(COPY)

Refer in reply
to the following:
Land
37636-1905

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 23, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Jane Daniels for herself and her minor child, Fred Moore.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that after ample time and opportunity the applicants have failed to show that they possess the rights to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner

H.M.M.

V.

(COPY)

D. C. 38470-1905
I.T.D. 6054-1905
L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.F.
PHE

August 7, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Jane Daniels and her minor child, Fred Moore, as Cherokee Freedmen, including its decision of the same date, rejecting said application.

Reporting May 23, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

1 inclosure

(Signed)

THOS RYAN
Acting Secretary

Cherokee Freedmen

D-1038.

Muskogee, Indian Territory, August 18, 1905.

Jane Daniels,

Shawnee, Oklahoma.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of yourself and minor child, Fred Moore, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1905.

Respectfully,

LS

acting Commissioner

Cherokee Freedmen

D-1056.

Muskogee, Indian Territory, August 16, 1906.

I. P. Bledsoe,

Agent for Jane Daniels, et al.,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of Jane Daniels and her minor child, Fred Moore, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1906.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner

Incl, 8-66

Cherokee Freedmen

D-1038.

Muskogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Jane Daniels and her minor child, Fred Moore, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Incl. 3-67

Acting Commissioner

B

X D 1038

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 6 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 6, 1901
 Post Office Shawnee, Okla.
 District _____

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____
 Parents: _____
 Father _____ Citizenship _____
 Mother _____ Citizenship _____

Forwittful

2. Name of wife Jane Daniels Age 28
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents: _____
 Father Joe Smith dead Citizenship colored
 Mother Lucinda Smith dead Citizenship colored

Names of Children: Arch Moore

3.	<u>Erred Moore</u>	Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by Jane Daniels Stenographer J. O. Rosson

Not identified on any of the rolls in possession of the Commission

D

FD/028

COMMISSION TO THE FEDERAL GOVERNMENT

FILED

MAR 24 1902

[Handwritten signature]

SECTION OF RECORDS

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

By J. Dan Daniels,

Attorney, Okla.,

Cherokee-F-D-1038.

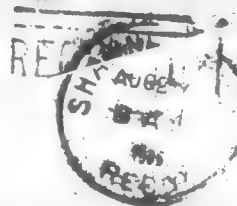
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

AUG 27 1905



Returned to Writer.

NOT IN CITY DIRECTORY

Jane Daniels,

Shawnee, Oklahoma.



81038

Cher. Fr. R. 793

Trans. from C. Fr. D. 1039

Cher. Fr. R. 793

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481131

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 11 1901


ARTING CHARMA

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 8, 1901.

In the matter of the application of Mary Johnson for enrollment as a Cherokee Freedman by intermarriage.

Mary Johnson, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Mary Johnson.
Q What is your age? A I am going on 43 years.
Q What is your postoffice address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Native born or intermarried? A Intermarried; I was born here, but --
Q Do you apply to enroll anyone else besides yourself? A No sir.
Q What is the name of your father? A I don't know sir.
Q Do you know your mother's name? A Yes, sir.
Q What was her name? A Mattie Hastings.
Q Your mother been a recognized Freedman of the Cherokee Nation?
A My mother was a white woman.
Q How long have you lived in the Cherokee Nation? A I have been here about 7 years.
Q What is your husband's name? A Named Murrell Johnson.
Q Is he a recognized Freedman of the Cherokee Nation? A Yes, sir.
Q Is he living? A Yes, sir.
Q Are you living with him at the present time? A Yes, sir.
Q When were you married? A I was married the 17th of November, 1898.

The Commission: Applicant produces a marriage certificate showing that Murrell Johnson, a citizen of the Cherokee Nation, and Mary Hayes, a citizen of the United States, were united in marriage on the 17th day of November, 1898, by J. W. Wolf, Judge of Tahlequah District Court. The same is filed herewith.

- Q Were you ever married before you married Murrell Johnson?
A Yes, sir.
Q What was the name of your first husband? A J. W. Geary.
Q Is he living? A No, sir.
Q When did he die? A He died in 1891.
Q Were you ever married to anyone besides Geary and Johnson?
A No, sir.
Q Have you and Johnson lived together continuously since your marriage? A Yes, sir.
Q Was Johnson ever married before he married you? A Yes, sir.
Q What was the name of his first wife? A Martha.
Q Is she living? A Yes, sir.
Q Do you know when he was married to her? A No, sir, I do not.
Q Do you know whether they were ever divorced? A Yes sir they were divorced.
Q Have you any evidence of that divorce? A I haven't any here to show but he got the divorce from the Cherokee Court here.

The 1890 authenticated roll of Cherokee Freedmen examined and the name of Murrell Johnson found therein, page 84, No. 571, Saline district.

- Q Have you ever drawn any money from the Cherokee Nation? A No, sir.

The 1890 census roll of Cherokee Freedmen examined and the name of Murrell Johnson found therein, page 1216, No. 576, Tahlequah District.

The rolls of the Cherokee Nation in the possession of the Commission, the 1890 authenticated roll, the 1890 census roll, the 1890-1891 roll and the Wallace roll, examined and the

M-J 2.

applicant not identified on any of said rolls.

By L. B. Hall, Cherokee attorney: Now did it happen you were not on that 1888 roll with your husband? A I don't know, sir. I applied to get on then but they didn't admit any intermarried, they said.

Q How long had you been married when the roll was taken? A I was married in 1895, the 17th of November, 1895.

The Commission: Mary Johnson applies for the enrollment of herself as a Cherokee Freedman by intermarriage. She is not identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission. She avers that she has lived in the Cherokee Nation for seven years. She produces satisfactory proof of her marriage to the said Murrell Johnson on the 17th of November, 1895. She avers that she was previously married to one J. U. Geary, a non citizen of the Cherokee Nation, and that he died before her marriage to Murrell Johnson. She also states that Murrell Johnson was previously married to Martha Johnson, and that he was divorced from her. No satisfactory proof is produced as to said divorce, and the applicant will be required to file with the Commission either the original or a certified copy of the decree of the Court.

The said Murrell Johnson is identified upon the authenticated roll of 1880 and the census roll of 1896 as a Cherokee Freedman.

The applicant will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card. When the final decision of the Commission is rendered, she will be duly notified in writing at her present postoffice address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of September, 1901.

M. W. Stearns
Notary Public
Commissioner.

70103d

NOV 16 1901
RECEIVED
COMMUNICATIONS TO THE LAND COMMISSIONED LANDS
DEPARTMENT OF THE INTERIOR

YOUNG COMPANY

Cherokee Nation

Assistant Executive Secretary.

W. M. Albright

10th day of September 1901.

Given under my hand and the seal of the Cherokee Nation this the
District Cherokee Nation, now filed in this office and in my custody.
copy taken from the docket of the Circuit Court of Taniguan
Cherokee Nation

Dec. 12, Marvell Johnson

Va.

Martha Johnson

Suit for Divorce.

Divorce granted Plaintiff Sept. 8th 1894.

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the docket of the Circuit Court of Tahlequah District Cherokee Nation, now filed in this office and in my custody. Given under my hand and the seal of the Cherokee Nation this the 10th day of September 1901.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation

RECEIVED

NOV 14 1901

U.S. DEPT. OF THE INTERIOR

RECEIVED NOV 14 1901

DEPARTMENT OF THE INTERIOR

10-183

Cherokee Freedman D 1039.

JOHN W. WOLFE.
District Judge
Tahlequah District,
Cherokee Nation.

Tahlequah, I. T., Nov 17 1895

I do hereby sertify that on the 17th day of November 1895 I did duly and according to law Solemnize the rights and perform the serimony and banns of Matrimony beteen the parties herein named. Murrell Johnson colored age 45 years a sitizen of the Churokee Nation, and Marry Hayse age 36 years a sitizen of the U. S.

J. W. Wolfe
Judge of Tahlequah Dec Coart

Muskogee, I. T., July 23, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original Marriage Certificate now on file in the office of the Commission.

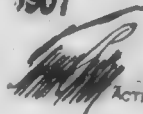
H. M. Vance

20

8 D 1039

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 9 1901



ACTING CHAIRMAN

JOHN W. WOLFE.

DISTRICT JUDGE

Tahlequah District,

CHEROKEE NATION.

TAHLEQUAH, I. T., Nov 17

1895

It is hereby certified that on the
17th day of November 1895-

I did duly and according
to due solemnity, the rights
and solemnities of matrimony
between the parties here in
marriage.

Corona, the wife of 45 years
a citizen of the Cherokee
Nation and Harry G. Gage 36
a citizen of the U. S. born

John W. Wolfe

District Judge

Tahlequah, Dec
1895

COPY.

Cherokee Freeman
3-14 98 ed.

Muskogee, Indian Territory, January 21, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Kidston, Larry Earlin, Nellie Fields, John Kimbo, William S. Hodson, Sam Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin, Ellen Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Wilson, Jack McConnell, Maude Hanley, George Road, Sr., Buck Leamon, Bell Thompson, Lewis Scott, Abe Scott, Kendler Lempson, Thomas E. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Reas, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reas, Charles C. Smith, Susie Walker, William Stanga, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ford, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frederick Martin, Mary Riley, Emanuel Taylor, Henry Wilson, Lemuel E. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Stewart, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Faye, Fannie Ross, Ella Ross, Elizabeth Duncan, Sadie Adams, George W. Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haskins, Elsie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Foster, Katie Adair, Carrie Martin, Benjamin Clark, Billy Leoney, John Greaves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galloway, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

Tamie Dixby.

Chairman.

Incl. K-8.

Through the
Commissioners of Indian Affairs.

COPY.

Cherokee Freedman
D-1039,

Muskegee, Indian Territory, January 24, 1906.

Mary Johnson,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-108.

Register. /

Tame Dixby.
Chairman.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Berry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detton, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harris, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Maryina Alberty, Dave Morris, Alexander Shaggett, Maude Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Jack Ledford, Bill Thompson, Lewis Scott, Abe Scott, Kender Hampton, Thomas E. Allen, Lewis Vanderford, John I. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles C. Smith, Susie Colbert, William Shagga, Susie Johnson, Alfred P. Hopkins, Fannie Vann, Freddie Lecney, Lucy

Chapman, Alice J. Hunt, Mahaley Ward, Fred D. Hanna, Bettie Ward,
 Ellis Warren, Willie Brinson, Mary Walker, Frances Fortin, Mary
 Wiley, Emanuel Taylor, Henry Spivey, Lefflin P. Powell, George W. Allen,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Walker,
 Willie Cox, Edmund Stokes, Malinda Marshall, Charles Claggett,
 Samuel Irwin, Mary Ross, Maggie Ross, Emma Ross, Ella Ross,
 Elizabeth Jordan, Edie Allen, Georgeanna Archer, John Claggett,
 Hattie Smith, Jack Jackson, Lela Sanders, George Sanders, Lela
 West, Maria French, Mary Johnson, Maggie Vann, William Hanson,
 Mary Rogers, Abraham Ballant, Laura Davis, John Jackson, James
 B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Smith,
 George Adams, Annie Thomas, Lewis Buchanan, Ollie Vann, Lou
 Peters, Ida Blair, Robert Brown, Alice Chambers, Isaac Jones,
 Alice Gunter, Katie Blair, Carrie Martin, Rebecca Clark, Emily
 Lowmy, John Groves, Malinda Blair, Bettie Vann, Nelson Lott,
 Fannie Rogers, William Washington, Maria Warren Vann, Fannie
 Colady, Susan Daniels, Elizabeth Turk, David Lott, Fannie McPherson,
 Henderson Jones, Belle Vann, Levi Street, John Walker, William
 Thompson, Elias Sheppard and Lela Miller, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The action of the

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WYOMING

SECTION 16 T.16N. E.16E

16.00

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1908.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1908, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Northam, Frances Melton, John Betson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Rachel Campbell, Van Jackson Luther, Sussie Middleton, Mary Earlin, Nellie Fields, John Kinke, William S. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dora Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Harves, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maria Wesley, George Reed, Jr., Buck Ledman, Bell Thompson, Louis Scott, Abe Scott, Kander Langton, Thomas E. Allen, Louis Vanderford, John L. Dowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Hagggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Leamy, Mary Chouteau, Alice Everett, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Naomi Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Powell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McWair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Walton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

-2-
of the Cherokee Nation or by any United States instrument and that
same is identified by the 1897 authenticated Cherokee roll.

In view of the record and of the ruling of the Depart-
ment of November 12, 1904 (I. T. B. 2558-1904) in the Larrick
Walrus case, the approval of the Commission herein advised to
all the applicants is recommended.

Very respectfully,

C. F. Larrick,

Acting Commissioner.

M.F.W.
W.

(5097)

D.C. 20877-1908
I.T.B. 2904-1908.

W & F
P & F

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1908

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Lathay, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard W. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Klansie Vann,
Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Nettie Beck, Willie Varrump, Millie Robinson,
Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry
Byles, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Smith,
Jane Brown, Samuel L. Young, John Backner, Willie Cox, Leonard
Bowles, Malinda Marvall, Charles Claggett, Samuel Irven, Mary
Ross, Maggie Hays, Naomi Hays, Ella Ross, Elizabeth Duncan,
Sallie Adams, Georgiann Archer, John Claggett, Nettie Smith,
Jack Jackson, Lula Sanders, George Hambrick, Lissie West,
Marie French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Backman,
James W. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Blair, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Atair, Robert Brown, Allie Chambers
Ivan Jones, Alice Gunter, Katie Atair, Carrie Martin, Benjamin
Clark, Emily Leoney, John Groves, Matilda McNair, Nettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stread, John
Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Nelson.

-3-

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-1030.

Muskogee, Indian Territory, April 28, 1906.

Mary Johnson,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

W. H. H. Tamm Bixby,
Chairman.

COPY.

Cherokee Freedmen

P-14, et al.

Muskogee, Indian Territory, April 28, 1908

Hill, Hastings & Newport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 22, 1908.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

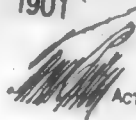
(SIGNED) *Tammie Bixby.*
Chairman.

82

X 1039

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 9 1901

 ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 9, 1901Post Office TahlequahDistrict "

1. Name

Age

Owner's name

Citizenship

Year

Page 641No. 575

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Mary Johnson

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Matthie Hasting

Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

Stenographer

B. L. Jones

Not identified on any Tribal Roll in possession of
the Commission

Deeds of divorce from required.

X Ref to 224

FD 1039

FILED
MAR 24 1902

[Signature]
RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Johnson,

Tahlequah, I. T.

Cherokee-F-D-1059.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vann,
Mary Markham,
Frances Menno,
John Dotson,
Mary Jane Vann,
Thomas Lowe,
Elin Myland,
Sally Rider,
Reuben Campbell,
Van Jackson Luther,
Cassie Middleton,
Mary Harris,
Rena Hilds,
John Kinbo,
William S. Madden,
Jesse Bean,
Albert T. Thomas,
Mary Chapman,
Caroline Daniels,
Mervyn Afoery,
Dave Morris,
Alexander Craggett,
Amanda Ward,
Ella Ward,
John E. Barnes,
Neil Davis,
Garrus Brown,
Howard F. Watson,
Jack McCouniff,
Maude Manley,

[illegible]

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Hampton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellie Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emmanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepney Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Hoster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
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 Cherokee Freedmen D—423,
 Cherokee Freedmen D—424,
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 Cherokee Freedmen D—760,

1039

Samuel L. Young,
John Bachner,
Willie Ouz,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irvan,
Mary Rose,
Maggie Nave,
Nemina Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georganna Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hasalrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masir,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isam Jones,
Alicia Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
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Cherokee Freedmen E—107,

himself; by Kender Lantmon for himself; by Thomas E. Allen for himself; by Lewis Vadderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Martha Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Beest for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hameltig for her husband, George Hameltig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Lemo Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Cattie Vann; by Lon Peters for herself; by Robert Adair for his wife, Lett Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isora Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Feltz McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

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Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.





Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

219

Mrs. Mary Johnson,

Tahlequah, Indian Territory.

3278

Cher. Fr. R. 794.

Trans. from Cher. Fr. D. 1032

Cher. Fr. R. 794

72103✓

COMMISSION THE FIVE CIVILIZED TRIBES

FILED

JUL 22 1901

ACTING SECRETARY

[Handwritten signature/initials]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 24, 1901.

In the matter of the application of William Harris for the enrollment of himself, wife and one child as Cherokee Freedmen; said Harris being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A William Harris.
Q How old are you? A 25.
Q What is your post office address? A Muldrow.
Q What district do you live in? A Sequoyah.
Q For whom do you apply? A Lugenia Harris.
Q What relation is Lugenia to you? A She is my wife.
Q How old is she? A She is 21.
Q What is her father's name? A Bose West.
Q What is her mother's name? A Millie West.
Q What relation is she to Houston West? A Niece.
Q Does your wife's name appear upon the rolls of the Cherokee Nation? A Yes, sir.
Q What rolls? A Clifton and Wallace I think.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 112, #2787, Jennie West, Illinois District.

- Q Where was your wife born? A In Sequoyah.
Q Cherokee Nation? A Yes, sir.
Q Has she lived there all her life? Yes, sir.
Q You and her married? A Yes, sir.
Q Has she any children? A Yes, sir.
Q Do you apply for the enrollment of her children? A Yes, sir.
Q How many children have you got? A One.
Q What is its name? A Janie's Harris.
Q Jane or Janie? A Janie.
Q How old is Janie? A She is five years old.
Q Is her name on any of the rolls of the Cherokee Nation?
A No, sir.
Q You never drew for her? A No, sir.
Q Is this child living at that time? A Yes, sir.

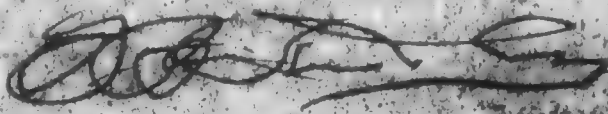
COM'R NEEDLES: William Harris applies for the enrollment of his wife, Lugenia. He avers that she is a child of Bose and Millie West. She cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton roll and she is duly identified thereon according to the page and number of the roll as indicated in the testimony. He avers that she was born and raised in the Cherokee Nation and that she has one child by him named Janie, five years of age. He avers that said Lugenia Harris is his wife, and that she is the niece of Houston West, who was listed for enrollment on doubtful card #389; the matter of the citizenship of the West family has been developed in the application of said Houston West, and the testimony of the said Houston West will be made part of the record in the case at bar and filed herewith. It will be necessary for applicant to make satisfactory proof of birth of his child, Janie. The said Lugenia Harris and her child, Janie Harris, will now be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified by mail of the decision of the Commission when arrived at.

Lagonia Harris, et al. --2

J. G. Reese, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Reese

Subscribed and sworn to before me this 19th day of July, 1901.



Commissioner.

3
COMMISSIONER NEEDLES
Q He wasn't married then? A No, sir, I think now, I never knew
of it.
Q Boce West living now? A I haven't seen him for
some time, I don't know.
Q You know John West? A No, sir, I don't, don't remember him.

721032
V. T. Harnage, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q Hastings: Mr. Harnage, what is your name? A V. T. Harnage.

Q What is your age? A I am 53.

Q What is your postoffice? A Tahlequah.

Q Mr. Harnage, do you know a colored man by the name of Boce West?

A Yes, sir.

Q Do you know his wife's name? A His wife's name was Millie

Q Do you know his children? A I know one or two of their names.

Q he had two boys I think they called one John and the other Sylvester,
silly they called him.

Q Do you know whether he had a girl named Eugenia or not? A I
don't remember the other children.

Q Do you ~~remember~~ know who Boce West belonged to before the war?

A He belonged to my father.

Q What was your father's name? A John Harnage.

Q Where did your father live when the war broke out? A He lived
in Russ County, Texas.

Q How long had he been living in Texas? A He had been living
there quite a while, I can't remember how long.

Q A number of years? A Yes, sir, been living there 15 or 20 or
30 years, longer than that I expect, I just can remember when he moved
to Texas.

Q Was he a citizen of the State of Texas when the war broke out?

A Yes, sir.

Q Well, when you came back to the Cherokee Nation, to what point
did you return? A Down in Sequoyah district.

Q Well, do you know when Boce West came back to the Cherokee Nation?

A He came back in 1880, sometime, I don't recollect the date or
the year exactly.

Q Was this Boce West sometimes known as Boce Harnage? A Yes, sir.

Q You left him in Texas when you left? A Yes, sir.

Q You left him here up until the eighties? A No, sir, he
was here up until the eighties.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of John West for enrollment
as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Applicant present in person;
W. W. Hastings, of counsel for Cherokee Nation.

W. H. BARKER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. H. Barker.

Q What is your age? A I am 50 years old.

Q What is your postoffice? A Muskogee, Indian Territory.

Q Mr. Barker, you are a citizen of the Cherokee Nation by blood?

A Yes, sir.

Q When did you come to the Cherokee Nation? A I was born and raised in the Cherokee Nation.

Q Well, you went to Texas a while didn't you? A Yes, sir, I went there in the latter part of '71, or in '72, and I came back, and went back in the spring of '75.

Q I will ask you if you know a colored man by the name of Boce West?

A Yes, sir.

Q Do you know his wife's name? A Her name was Millie West, Millie English was her former name.

Q Do you remember Boce West's children? A Yes, sir, I remember all he had when I left Texas, but I don't remember the names of the girls because there was about eight or ten, I think there was about then children, and there was two or three sets of twins I think of them.

Q What was their names? A I know four of the boys' names, there was John and I believe they called the other Chilly, or something like that but I don't remember, and the other William Barker and William Still, that was for me, they lived there, and a nephew of mine was named William Still; and the girls, I don't remember much about them.

Q Do you know whether one of them was called Lugenia? A I don't remember.

Q When did you first know Boce West? A I knew him in '75.

Q Where was he living at that time? A He was living in Russ County; you want the postoffice?

Q What state, Texas? A He was living in Russ County, Texas.

Q Was he married there? A Well, he was married when I went to Texas.

Q He had a wife and some children at that time? A Yes, sir, these two boys were there and some girls, I think the boys was twins, John and Chilly, I think it was something like that.

Q How long did he continue to reside there immediately after you knew him in '75? A He worked for me and my mother in law there on a farm about till March, '77, and I moved to this country; I went back in August, '77, my wife didn't like to live in this country, and we went back in August, '77 - '78 I believe it was, '78, and when we got back, why he was still there on the farm with my mother in law, Mrs. Mayfield.

Q Do you know when he came out here? A He came out here in November, 1883.

Q Do you know whether he had ever been here before since the war, or not? A Nothing only what they told me; he never had been in the Territory, so they said.

Q How do you know he came here November, '83?

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of John West for enrollment
as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant present in person:

W. F. Hastings, of counsel for Cherokee Nation.

W. F. HASTINGS, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q Mr. Hastings, what is your name? A W. F. Barker.

Q What is your age? A I am 30 years old.

Q What is your postoffice? A Muskogee, Indian Territory.

Q Mr. Barker, you are a citizen of the Cherokee Nation by blood?

A Yes, sir.

Q When did you come to the Cherokee Nation? A I was born and
raised in the Cherokee Nation.

Q Well, you went to Texas a while didn't you? A Yes, sir, I went
there in the latter part of '71, or in '72, and I came back, and went
back in the spring of '73.

Q I will ask you if you knew a colored man by the name of Boce West?

A Yes, sir.

Q Do you know his wife's name? A Her name was Millie West,
Millie English was her former name.

Q Do you remember Boce West's children? A Yes, sir, I remember
all he had when I left Texas, but I don't remember the names of the
girls because there was about eight or ten, I think there was about
then children, and there was two or three sets of twins I think of
them.

Q What were their names? A I know four of the boys' names,
there was John and I believe they called the other Chilly, or something
like that but I don't remember, and the other William Babber and
William Still, that was for me, they lived there, and a nephew of
mine was named William Still, and the girls, I don't remember much
about them.

Q Do you know whether one of them was called Lucania? A I don't
remember.

Q When did you first know Boce West? A I knew him in '73.

Q Where was he living at that time? A He was living in Russ
County, you want the postoffice?

Q What state, Texas? A He was living in Russ County, Texas.

Q Was he married there? A Well, he was married when I went to
Texas.

Q He had a wife and some children at that time? A Yes, sir,
these two boys were there and some girls, I think the boys was twins,
John and Chilly, I think it was something like that.

Q How long did he continue to reside there immediately after you
knew him in '73? A He worked for me and my mother in law there on
a farm about till March, '77, and I moved to this country, I went
back in August, '77, my wife didn't like to live in this country, and
we went back in August, '77 - '78 I believe it was, '78, and when we
got back, she was still there on the farm with my mother in law,
Mrs. Mayfield.

Q Do you know when he came out here? A He came out here in
November, 1883.

Q Do you know whether he had ever been here before since the war,
or not? A Nothing only what they told me, he never had been in
the territory, or they said.

Q How do you know he came here November, '83?

A Well, I left there along about the first, somewhere between the first and 10th of November, and he had started ahead of me a few days, with my wagon and team, to bring it through for me, and shortly after I got to this country why he got here, came to this country, Muskogee.

Q Did he bring his wife and children with him? A The two boys first, John and Chilly came along in this wagon, and John Wyche came in the wagon, but him and his wife and other children came along with my wife and little girl, all come on the train after that.

Q His wife and some children came with your wife a little later than you did in 1883, on the train? A Yes, sir, they never lived here until I came here and got my home and located, before they started.

Q Then you knew them in Texas for nearly all the time from '75 till '83? A Yes, sir, I knew them all the time, they were right there with us on the farm: Boce moved off one year and lived with John Jacobs, and he came back that fall, he couldn't stay with him.

Q You never heard him say ~~nothing~~ anything about having been up here before that? A I heard him say positively he never had; I like to not got him to come either, seemed like he didn't want to come to this country.

Commissioner: You know Houston West? A No, sir, I don't know Houston West, he didn't belong to that set of the Wests down there; Boce had a brother named Joe West and a half brother named something else, Jeff something; he ran off and came out there, they had him charged with rape.

Q And you say Boce West, the father of John West, didn't move to the Cherokee Nation, to your knowledge, until about the year 1883?

A November, 1883, is when he come here.

W. J. MOUNTS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. J. Mounts.

Q What is your age, Mr. Mounts? A 69.

Q What is your postoffice? A Fort Gibson.

Q Mr. Mounts, you were in Texas during the war, weren't you? A No, sir.

Q Did you go there after the war? A I went there after the war.

Q What county? A Russ.

Q Did you know a colored man in Texas by the name of Boce West?

A Well, I knew him in that country as Boce Harnage, but I presume it is the same; I have been told since; Boce Harnage was the name he went by there.

Q Well, when did you know that party? A I went there in '67, he worked for me during the summer of '67.

Q How can you remember he began to work for you? A He began to work regular sometime in March.

Q You know how long he continued to work regular for you? A The first day of November.

Q How do you fix the dates so positively? A I had to pay him for what he done, and a man naturally knows about how much money he pays out, and knows when his time was up.

Q Did you ever see him after he came out here? A Once, maybe twice; I think I saw him before he came to apply to this commission, and I probably saw him a year or so before.

Q Do you know what name he goes by out here? A He goes by West, but it is the same man; he was known there at Boce Harnage.

Q Do you know who he came out here with? A No, sir, I don't know, the first time I knew of him he was out on the Canadian about six miles from me, between here and Briggs, that is the first I heard of him since I left him in Texas.

Q You left there then? A On the 15th of December, '67.

Q And you left him there? A Yes, sir, left him there.

Q He wasn't married then? A No, sir, I think now, I never knew of it.

Commissioner: Does West living now? A I haven't seen him for some time, I don't know.

Q You know John West? A No, sir, I don't, don't remember him.

V. T. Harnage, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: Mr. Harnage, what is your name? A V. T. Harnage.

Q What is your age? A I am 55.

Q What is your postoffice? A Tahlequah.

Q Mr. Harnage, do you know a colored man by the name of Boce West? A Yes, sir.

Q Do you know his wife's name? A His wife's name was Millie.

Q Do you know his children? A I know one or two of their names, he had two boys I think they called one John and the other Sylvester, Silly they called him.

Q Do you know whether he had a girl named Eugenia or not? A I don't remember the other children.

Q Do you remember know who Boce West belonged to before the war?

A He belonged to my father.

Q What was your father's name? A John Harnage.

Q Where did your father live when the war broke out? A He lived in Russ County, Texas.

Q How long had he been living in Texas? A He had been living there quite a while, I can't remember how long.

Q A number of years? A Yes, sir, been living there 15 or 20 or 30 years, longer than that I expect, I just can remember when he moved to Texas.

Q Was he a citizen of the State of Texas when the war broke out?

A Yes, sir.

Q Well, when you came back to the Cherokee Nation to what point did you return? A Down in Sequoyah district.

Q Well, do you know when Boce West came back to the Cherokee Nation?

A He came back in 1880, sometime, I don't recollect the date or the year exactly.

Q Was this Boce West sometimes known as Boce Harnage? A Yes, sir.

Q You left him in Texas when you left? A Yes, sir.

Q You never saw him here up until the eighties? A No, sir, he came out to my house.

Q You never saw any of his children here until then? A No, sir, I haven't seen any of the children.

Commissioner: You know John West? A No, sir: maybe it is his boy John, I don't know about that.

Q Is Boce living? A He was last spring.

Commissioner: this same testimony to be filed in the case of Eugenia Harris, D-1052.

BRUCE J. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and perfect transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 2nd day of September, 1901.

C. R. Needles

Commissioner.

Subscribed and sworn to before me this 2nd day of July, 1902.

(SEAL)

(Signed) P. G. Reutter.

Notary Public.

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, and the same was copied by me.

Subscribed and sworn to before me this 19th day of Aug., 1902.

B. C. Jones
Notary Public.

And I, John P. Reutter, Notary Public, do hereby certify that the above and foregoing is a true and complete copy of the original now on file with the Commission, and the same was copied by me.

Witness my hand and seal this 19th day of August, 1902, at the City of Oklahoma, Indian Territory.

And I, John P. Reutter, Notary Public, do hereby certify that the above and foregoing is a true and complete copy of the original now on file with the Commission, and the same was copied by me.

F. D-889.

To be filed with C. F. D. 1032, Lugenia Harris.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., May 23, 1902.

In the matter of the application of Houston West for the
the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-839.

APPEARANCES:

A. S. McRae for applicants.

W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled, Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of the book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.

Decided against claimant, June 15, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chambers Court, on June 18, 1867, as shown from the citizenship record, No. 1, page 2, in the case of Henry West vs. The Cherokee Nation, the same being signed by John Chambers, President of the Commission, D. P. Dwyer, George Downing, Commissioners, countersigned D. L. Nicholson, Clerk of Commission, as follows:

Henry West)
No. 1. vs) Claim of citizenship. Before the
Cherokee Nation.) Commission on Citizenship, sitting at
Tahlequah, C. N., June 12th, 1867.

This case, comes under that class of cases, of which the Commission have jurisdiction under act of Dec. 1877, claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in time, that is, within six months after the ratification of the treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The Commission find that the only testimony on that point, is the statement of Walter Mayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the act establishing the Commission to the time mentioned in the amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said treaty is concerned, which places it, on the 10th day of July 1866; and hence claimant's return

in April 1867, is more than six months after the time specified in the said 8th Article of said treaty:

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the commission, and consequently they decide that said claimant is an intruder, on the Public Domain of the Cherokee Nation.

Attest:

D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
O. P. Brainerd,
George Downing, } Commrs."

Attention is called to the fact that at the head of the decision, dated June 12, 1878, that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trumble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the page following this decision, the same being that of Will Elder vs. the Cherokee Nation, is dated June 12, 1878.

MR. MCRAE: To all of which the applicants object for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in this case, and for the further reason that the same is incompetent and irrelevant, and further, it appears that in the record so cited, the same being known as the Chambers record, that it appears upon the face of the same there is no record mentioned in the alleged decision of the said commission being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and subsequently would have no bearing as to the rights and the status of those applicants. It would further appear that these applicants, Elston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and as owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, the being claimants in their own right and status. Mr. Hastings, I'll swear you, without making any of the objections.

W. W. Hastings, being first duly sworn, testified as follows:

MR. MCRAE: Your name is W. W. Hastings.
Q. Age and residence address? A. I am 35 years old and reside in Tahlequah.
Q. Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this commission appointed? A. As an act of the Cherokee National Council, as I am informed and the records show.
Q. I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged Commissioners on citizen ship, if when the said law has exercised its duty as regards the same, that before the same can become a law either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A. Well

I haven't that far before me, but I have no doubt from the fact that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.
Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective commissions and their names were submitted to the Council for admission or rejection? A There weren't any so far as I know except there weren't any submitted to the National Council except, so far as I know, except some in 1871; none of these later commissions they had full authority to investigate and and admit themselves or reject, and this commission had authority to admit or reject, and the Council have no supervisory control over it.

Q Then the notion of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.

Q The Chambers Commission? A Yes, sir. Well I was stating my judgment of the law, I wasn't there, you know; never practiced before it.

Q How about the Commission of 1871, known as what's the name of that Commission? A Well, in 1869 an act was passed allowing certain people to go before a Chief Justice of the Supreme Court, and he had hearings up until some; in 1871, I don't remember the exact date, but under that class of cases, and under that act, my recollection was that it was December 5, 1869, but I wouldn't be positive as to that, but anyhow under that the Justice of the Supreme Court heard applications, and referred me to the National Council, but I know of no other authorities that did; don't recall any.

Q Who was the president of the Commission of 1871, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vane; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. A. Daniels was Chief Justice in 1871, John S. Vane was along about that time; I don't know now just when he went in or out.

Q Who was the member of the Commission appointed to hear petitions who made application in 1871? A This book shows that R. A. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.

Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of doubtful cases from Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. MCRAE: That is your name? A My name?

Q Yes, sir? A Thomas A. Williams.

Q Your age? A I am 61, going on 62.

Q Place of residence? A Muldrow, Indian Territory, Sequoyah District.

Q How long have you resided in that location? A Not long; no, brethren.
A Yes, sir, I am acquainted with Houston and especially acquainted with Williams.

Q How long have you known him? A Well, sir, in 1886 I had a bunch of men, myself and Crosby, and we were keeping them on camp dress; there might be an old man past it, and very time in the early part of the winter months, just before Christmas, two or three or four days, Bill Mayfield brought the family back there, they were camped.

Q The man Bill Mayfield? A Bill Mayfield? That was a Cherokee I took him to be.

Q Where was he when you saw him in '86? A I saw them and camped just about about, when they first came there they came just above where the bridge is.

Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the police.

Q Now I will ask you, Mr. Willard, how long have you lived in the Cherokee Nation? A Well, sir, I have lived in and out of the Cherokee Nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '87, the bigger part of the year in '87; then in '74 I came into the Cherokee Nation and made a crop, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been here most of the time since.

Q Were you acquainted with the father and not with these boys? A Why I have seen them hundreds of times, yes I didn't have a close personal acquaintance with them because they were left to themselves.

Q You are positive that it was some time in the month of December, 1887? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.

Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of rules and had, taking them over.

Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '86? A Yes, sir to the best of my knowledge their family has lived and remained there.

Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.

Q And you say that your knowledge and acquaintance with Callie is of a very intimate nature? A Yes, sir.

Q And character? A Yes, sir, he is truthful, honest, straight, and at ran no far as I know.

Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.

MR. HASTINGS: When did you draw money? A I think it was in '88 and maybe '89, the record there. Daves Commissioner found me on the record, and you can find me there very easy.

Q Don't you know that they didn't pay out any money either in '79 or in '82 to anybody in the Cherokee Nation, and the records will show it? A Well, I don't remember the exact year, but it was along there somewhere, I was in Salisquam and I drew my Vinita.

Q Do you remember how about each year you saw Callie West then you go when you drew money years after? A I made no mistake at that.

Q Well did you have any recollection of seeing him? A I made a mistake of some sort that he had got in.

Q More exact? A They made some record, that I remember very well.

Q What's Callie's wife's name? A I don't know both, which, his first wife?

Q Yes, sir. A I don't remember what his first wife's name was.

Q How many children did he have it was first saw him? A Why he didn't have any one.

Q Did he have a wife? A No, sir, wasn't no wife.

Q About how old was he when you first saw him? A I can't know; he was kind of a boy.

Q Don't have any idea about that? A No, I couldn't tell anything about it.

Q With whom were you living when you first saw him? A I was living with myself.

Q Where? A Why I was going from Fort Smith to Jamie Lind and around; he had a bunch of cattle, they were scattered, and he had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.

Q Who owned them? A He and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.

Q He isn't alive now? A No, sir, he's dead now.

Q Did you know any other Cherokees over there in '66? A Why I think I did, Uncle Willie Wilson.

Q He's dead too? A Yes, sir.

Q Was he there in '66? A He was everywhere, here in '66 I think.

Q Now, Mr. Williams, Walker Hayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 14th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Hayfield swore.

Q Well do you say that isn't true?

MR. MCRAE: You say that Walker Hayfield has testified to that in this case.

MR. HASTINGS: May I say he has testified and the record shows.

MR. MCRAE: This record?

MR. HASTINGS: Yes, sir.

MR. MCRAE: This judgment just of yesterday?

MR. HASTINGS: Yes, sir.

Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Hayfield here, whether he went back into the state and came back again into the Nation I don't know.

Q Mrs. D. L. Paulkner came in and that her uncle, Walker Hayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to school. Do you say now that you put your judgment, and you are sworn, as against those who were also relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before Christmas that we drove our cattle over, and the family was certainly there; to the best of my recollection it was just before Christmas.

Q E. L. Paulkner, who lives at Hannon, where time Walker Hayfield, was his wife's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Hayfield when I came back from Texas.

Q Did you see him before the war? A I had seen him before the war.

Q Where did he live? A He lived right close to where the rail-road runs now.

Q Did you see him there? A Not in Fort Smith, and I have never seen him since the war.

Q In the Nation before the war? A Yes, sir, I was all through from coming before he war.

(Signed) James C. Thompson

Subscribed and sworn to before me this 2nd day of July, 1902.

(SEAL)

(Signed) F. B. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, in the name and copies by me.

Subscribed and sworn to before me this 20th day of Aug., 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Houston West, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Houston West, et al.	Cherokee Freedmen D	989
George West, et al.	"	D 990
Callis West,	"	D 1000
John West	"	D 1030
Lugenia Harris, et al.	"	D 1032
Callis West	"	D 1054.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Houston West for himself and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West as Cherokee Freedmen, and for his wife, Lissie West, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Lissie West, as such, will not be passed upon or considered in this decision; by Callis West (son of Henry West), for himself; by John West for himself; by Lugenia Harris for herself and minor child, Janie Harris, and by Callis West (son of Houston West) for himself.

The evidence shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered February 3, 1890, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation; that all the other applicants herein, except Lissie West, John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), are descendants of Henry and Phoebe West, or of Houston West, and, having been born since 1866, their rights to enrollment are derived solely through their said ancestors.

The evidence further shows that the said John West, Lugenia Harris and Janie Harris were born since 1866, and are the descendants of Bess West and Millie West; and that they acquired no greater rights, as Cherokee Freedmen, than were possessed by their said ancestors. It does not appear that either Bess West, or Millie West

or Millie West was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. None of said applicants' names are found on the 1880 authenticated Cherokee roll.

It further appears that the said James West died on June 17, 1902.

Section twenty-five of the act of Congress, approved July 1, 1902, (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George West, George West Jr., Jessie West, Albertna West, Callis West (son of Henry West), John West, Lugenia Harris, Janie Harris and Callis West (son of Houston West), as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered that the application for the enrollment of James West as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Nixby
Chairman

(Signed) T.B. Needles
Commissioner

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory

this Aug 5 1904

COPY

Cherokee Freedmen

2-1032.

Muskogee, Indian Territory, August 16, 1904.

Eugenia Harris,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, in the consolidated case of Houston West, et al., rejecting, among others, your application for the enrollment of yourself and your minor child, Janie Harris, as Cherokee freedmen. There has heretofore been furnished your attorney, A. B. McKee, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 2-1032.

Commissioner in Charge.

Register.

COPY,

Cherokee Freedmen
D-999-990-1000-1230
-1012-1004.

Washoe, Indian Territory, August 17, 1904.

Hastings, Bell & Sargent,

Attorneys for the Cherokee Nation,

Washoe, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision in the consolidated case of Houston West, et al., rejecting the applications for the enrollment of Houston, Ida, Nancy, Fannie, Georgia, William, Callie, John, Callie, George, George Jr., Jennie and Albertha West, and Eugenia and Janie Harris, as Cherokee freedmen, and dismissing the application for the enrollment of James West, he having died prior to September 1, 1902.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 2-25.

Commissioner in Charge.

COPY

Cherokee Freedmen

9-889-890-1000-
1010-1032-1084.

Muskogee, Indian Territory, August 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Houston West, et al., including the Commission's decision, dated August 6, 1904, rejecting the applications for the enrollment of Houston, Ida, Nancy, Vannie, George, William, Callie, John, Callie, George, George Jr., Jessale and Albortha West, and Eugenia and Jamie Harris, as Cherokee freedmen, and dismissing the application for the enrollment of James West, he having died prior to September 1, 1902.

Respectfully,

Encl. 8-70.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:
Lead
87256-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, September 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 17, 1904, transmitting the record of the Consolidated applications for enrollment as Cherokee freedmen by Houston West and his minor children, Ida, Nancy, Fannie, Georgie and William West; by George West for himself and his minor children, George Jr., Jessie, Albertha and James West; by Callis West (son of Henry West) for himself; by John West for himself; by Eugenia Harris for herself and her minor child, Jamie Harris and by Callis West (son of Houston West) for himself.

August 5, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants, Houston West and Callis West, together with their parents, Henry and Phoebe West were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867; that all the other applicants except John West, Eugenia Harris and Jamie Harris were born

since 1866, and are the descendants of Bess West and Millie West, and that they required no greater rights than were possessed by their ancestors. It does not appear that either Bess or Millie West were the slaves of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner

M. M. M.
W.

D. C. 39649-1904
I.T.D. 7004-1904

(COPY)

W. C. F.
J. P.
F. H.
L. R. S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 15, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

August 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Houston West et al.

It appears that applications were made for the enrollment as Cherokee freedmen of Houston West and his minor children, Ida, Nancy, Fannie, Georgie, and William West; of George West and his minor children, George Jr., Jessie, Albertina and James West, and his wife, Lissie West; of Callis West (son of Henry West); of John West; of Eugenia Harris and her minor child, Janie Harris; and of Callis West (son of Houston West). The application for the enrollment of the applicant Lissie West as a Cherokee freedman by intermarriage was not passed upon by you, and is therefore not included in this decision.

It appears that the applicant James West died June 17, 1902. On August 8, 1904, you dismissed the application for the enrollment of James West, and decided that all the other applicants herein are not entitled to enrollment.

Reporting September 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, and on September 21, 1904, he forwarded a petition, in behalf

of the applicants, praying for the reopening of the case.

It appears that Houston West, George West and Callis West are brothers of Nancy Starr; that their father was Henry West; that Houston West and Callis West were born prior to 1866; that they were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and returned with Nancy Starr. The applicant George West appears to have been born after the return of Henry West to the Cherokee Nation.

In the case of Nancy Starr the testimony in the case of Houston West was made a part of the record, and on September 17, 1904, the Department held that the evidence submitted concerning the circumstances connected with the return of Nancy Starr to the Cherokee Nation showed that she returned prior to February 11, 1867.

It appears that the applicants John West and Lugenia Harris were born subsequent to 1866, and are son and daughter of Boss West, a brother of the applicant Houston West. The evidence shows that Boss West did not return to the Cherokee Nation prior to February 11, 1867.

Your decision, in so far as it affects said John West, Leugenia Harris and Janie Harris, is therefore approved. Your decision in so far as it affects Houston West, Ida West, Nancy West, Fannie West, Georgie West, William West, George

West, George West Jr., Jessie West, Albertha West, Callie West
(son of Henry West), and Callie West (son of Houston West),
is reversed, and you are directed to enroll said applicants as
Shoreline Freedmen.

A copy of the Acting Commissioner's letter is
inclosed.

Respectfully

1 inclosure

Thos Ryan
Acting Secretary

Cherokee Freedmen
D-1032

Muskogee, Indian Territory, November 2, 1904.

Lugonia Harris,

Muldrow, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated August 6, 1904, rejecting, among others, your application for the enrollment of yourself and your daughter, Janie Harris, as Cherokee freedmen, was approved by the Secretary of the Interior on October 15, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-1030, D-1032.

Muskogee, Indian Territory, November 2, 1904.

Beall, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the applications for the enrollment of John West, Lugenia Harris and Janie Harris, as Cherokee freedmen, was approved by the Secretary of the Interior on October 15, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-1020, D-1022.

Hastings, Indian Territory, November 2, 1904.

Ball, Hastings &avenport,
Attorneys for Cherokee Nation,
Hastings, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the applications for the enrollment of John West, Eugenia Harris and Janie Harris, as Cherokee Freedmen, was approved by the Secretary of the Interior on October 15, 1904.

Respectfully,

Chairman.

COMMISSIONERS:

TAMM HUNT,
THOMAS B. HENDLER,
C. B. BRIDGEMAN

WM. C. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT AS COMPILED BY THE COMMISSIONERS

Cherokee Freedmen

D-1038

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 2, 1904.

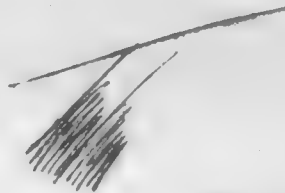
A. S. McRea

Attorney for Lugenia Harris, et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting, among others, the application for the enrollment of Lugenia Harris and her daughter as Cherokee freedmen, was approved by the Secretary of the Interior on October 15, 1904.

Respectfully,



Chairman.

COPY

Cherokee Freedmen

D-1032

Muskogee, Indian Territory, March 22, 1905.

Lugenia Harris,

Muldrow, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of February 25, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

(SIGNED)

Jame Dixby.

Chairman.

Cherokee Freedmen

D-1032.

Muskogee, Indian Territory, March 1, 1906.

Lugenia Harris,

Roland, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of February 18, asking information as to the procedure to take in order to secure a rehearing in your case.

In reply you are advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated August 5, 1904, rejecting your application for the enrollment of yourself and child, Janie Harris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 15, 1904. If you have discovered new evidence that is material to your case, and which was not available at the time of the original hearing of the same, and will so advise this office in detail the nature of the same, and file in support thereof affidavits of the witnesses whose testimony you desire to introduce in the event your case should be reopened, stating fully the facts to which they will testify, the same will be forwarded, with recommendation, to the Secretary of the Interior for action thereupon. You will be required to make proof of service of all

copies of all papers filed upon the attorneys for the Cherokee
Nation.

Respectfully,

LS

Acting Commissioner.

Muskogee, Indian Territory, April 24, 1906

The Honorable,

The secretary of the Interior.

Sir:

There is inclosed herewith the reply of the Cherokee Nation to a motion to reopen the Cherokee Freedmen Enrollment cases of Julia A. Jones, et al., C. F. D. 1104, and Eugenia Harris, et al., C. F. D. 1032.

The decision of the Commission to the Five Civilized Tribes dated July 1, 1903, rejecting the application of Julia A. Jones for the enrollment of herself and minor children as Cherokee freedmen was approved by the Secretary of the Interior on April 26, 1904 (I.T.D. 2314-1904) See also Departmental letter of June 17, 1904 (I.T.D. 4579-1904), denying a motion for rehearing in this case.

The decision of the Commission to the Five Civilized Tribes dated August 5, 1904, rejecting, among others, the application for the enrollment of Eugenia

Secretary--S

Harris and Jamie Harris, as Cherokee freedmen, was approved
by the Secretary of the Interior on October 15, 1904
(H.T.D. 7604-1904).

Respectfully,

Through the

Commissioner

Commissioner of Indian Affairs.

LMB
Incl. 2-99

-COPY-

DEPARTMENT OF THE INTERIOR,

G.R.

WASHINGTON.

LLB

D. C. 24334
I. T. D. 7604-1904.
4471-1906.
7832- "
10428- "

L.R.B.

June 12, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 23, 1906, there was filed with the Department a motion for a reopening in the matter of the application of Eugenia Harris for the enrollment of herself and her minor child, Janie Harris, as Cherokee freedmen.

Applicants, moving parties herein, were born since February 11, 1867, and are the descendants of Bose West and Millie West, who are shown to have been slaves at the commencement of the rebellion, who went to Texas during the war and failed to return to the nation prior to February 11, 1867.

Said motion for a reopening is hereby denied and the Department still adheres to its decision of October 15, 1904 (I. T. D. 7604), denying said application.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Cherokee Freedmen
R 794

Muskogee, Indian Territory, June 20, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

For your information there is enclosed herewith a copy of departmental letter of June 12, 1906, wherein a motion for a rehearing in the Cherokee freedmen enrollment case of Lugenia Harris et al., filed April 23, 1906, is denied, and the decision of the Department denying the application for the enrollment of Lugenia Harris and her child as Cherokee freedmen is adhered to.

Respectfully,

L M B

Commissioner

Encl. B 61

Cherokee Freedmen
R 794

Muskogee, Indian Territory, June 20, 1906

A. S. McRea,

Attorney for Lugenia Harris et al.

Muskogee, Indian Territory.

Dear Sir:

For your information there is enclosed herewith a copy of Departmental letter of June 12, 1906, wherein a motion for a rehearing in the Cherokee freedmen enrollment case of Lugenia Harris et al., filed April 23, 1906, is denied, and the decision of the Department denying the application for the enrollment of Lugenia Harris and her child as Cherokee freedmen is adhered to.

Respectfully,

L M B

Commissioner

Encl. B-60

Cherokee Freedmen
R 794

Muskogee, Indian Territory, June 20, 1906

Lugeni Harris,

Roland, Indian Territory.

Dear Madam:

For your information there is enclosed herewith a copy of Departmental letter of June 12, 1906, wherein a motion for a rehearing in your Cherokee freedman enrollment case filed April 23, 1906, is denied, and the decision of the Department denying your application for the enrollment of yourself and child as Cherokee freedmen, adhered to.

Respectfully,

L M B

Commissioner

Encl. B 59

Muskogee, Indian Territory, January 9, 1907

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed herewith a motion filed June 23, 1906, by Julia A. Jones and Lugenia Harris for a rehearing of their Cherokee Freedmen cases. A copy of this motion is shown to have been served on the Attorney for the Cherokee Nation, and his reply, filed July 8, 1906, is also enclosed, together with the applicants' reply to the Nation's answer, filed July 11, 1906.

The decision of the Commission to the Five Civilized Tribes dated July 1, 1903, rejecting the application of Julia Ann Jones for the enrollment of herself and her four minor children as Cherokee freedmen, was affirmed by the Department April 26, 1904 (I.T.D. 2314-1904).

The decision of the Commission dated August 5, 1904, rejecting, among others, the application of Lugenia Harris for the enrollment of herself and minor child, as Cherokee freedmen, was affirmed by the Department October 18, 1904 (I.T.D. 7604-1904).

Secretary--2

Julia Ann Jones and Lugenia Harris are children of Bose and Millie West, were born since 1866, and possess no right to enrollment other than as descendants of their said parents. The minor applicants in the cases possess no rights to enrollment other than as descendants of their said mothers.

An examination of the records in the cases shows that the motion is entirely without merit. The records in the cases show conclusively that Bose and Millie West were not slaves of Cherokee citizens at the commencement of the war of the Rebellion, and did not return to the Cherokee Nation prior to February 11, 1867. The record shows that they were slaves of John Harnage, who was a resident citizen of Ross County, Texas, and who had lived there twenty or thirty years prior to the out-break of the civil war. It is now contended, in the motion herein, that Bose West was the slave of Walker Mayfield. The motion is supported by the affidavits of Dillie Adkins and C. D. Hardin, but the record in the case shows the statements made in their affidavits to be absolutely false.

Secretary-3

It is therefore respectfully recommended that the motion be denied.

June 17, 1904 (I.T.D. 4579-1904) and April 19 1904 (I.T.D. 6204-1904), the department denied motions for a rehearing of the Cherokee freedman case of Julia Ann Jones et al. On June 12, 1904 (I.T.D. 10428-1904), the Department denied a motion for a rehearing of the case of Eugenia Harris et al.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. B-25

Commissioner

(C O P Y)

--Copy--

LAND
24796-1906
2870-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report of Commissioner Bixby, dated January 9, 1907, forwarding a motion to reopen the application for the enrollment of Julia A. Jones, et al., and Lugenia Harris, et al., as freedmen citizens of the Cherokee Nation. A copy of this motion is shown to have been served on the attorney for the Cherokee Nation, and his reply filed July 5, 1906, is also enclosed, together with the reply of the applicants to the Nation's answer, filed July 11, 1906.

The records show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Julia A. Jones for the enrollment of herself and four minor children as Cherokee freedmen, was affirmed by the Department on April 26, 1904 (I.T.D. 2314-1904). The decision of the Commission, dated August 5, 1904, rejecting, among others, the application of Lugenia Harris for the enrollment of herself and minor children as Cherokee freedmen, was affirmed by the Department on October 15, 1904 (I.T.D. 7604-1904).

Julia A. Jones and Lugenia Harris are children of Bose and Millie West, were born since 1866, and possess no right to enrollment other than as descendants of their parents, Bose and Millie West. The minor applicants herein possess no right to enrollment other than as descendants of their mothers, Julia A. Jones and Lugenia Harris.

It appears from the records that Bose and Millie West were not slaves of Cherokee citizens at the commencement of the war of the rebellion, and did not return to the Cherokee Nation prior to February 11, 1867.

The Department, on June 12, 1906 (I.T.D.10428-1906), in denying the motion to reopen the case of Lugenia Harris, et al., held as follows:

"Applicants, the moving parties herein, were born since February 11, 1867, and are the descendants of Bose West and Millie West, who are shown to have been slaves at the commencement of the Rebellion, who went to Texas during the war and failed to return to the Nation prior to February 11, 1867.

Said motion for the reopening is hereby denied and the Department still adheres to its decision of October 18, 1904 (I.T.D. 7604), denying said application."

The Department, on April 19, 1906 (I.T.D.6204-1906), in overruling the motion to reopen the case of Julia A. Jones, et al., held as follows:

"The evidence is clear and positive that Bose West was not the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the Rebellion, nor did he return to the Cherokee Nation prior to February 11, 1867."

The motion transmitted herewith is supported by the affidavits of Dillie Atkins and C. D. Hardin. An examination of the records in the case shows that the motion is without merit.

The Office therefore concurs in the recommendation of Commissioner Bixby that the motion to reopen the application for the enrollment of Julia A. Jones, et al., and Lugenia Harris et al., as freedmen citizens of the Cherokee Nation, be denied.

The record in the case of Julia A. Jones, et al., is transmitted herewith. The record in the case of Lugenia Harris, et al., was transmitted to the Department on October 29, 1905, with the record in the case of Houston West, et al.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

BBM-EH

(C O P Y)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

K.L.M.
LLB

D.C. 6097-1907

I.T.D. 1176-1907

L.R.S.

January 25, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On June 23, 1906, a motion was filed by Julia Ann Jones and Lugenia Harris for a rehearing of their applications for enrollment as Cherokee freedmen, a copy thereof having been served on the attorney for the Cherokee Nation and his reply thereto filed July 5, 1906, with the applicants' reply to the nation's answer filed July 11, 1906.

The decision of the Commission to the Five Civilized Tribes dated July 1, 1903, rejecting the application of Julia Ann Jones for the enrollment of herself and her four minor children as Cherokee freedmen, was affirmed by the Department April 26, 1904 (I.T.D. 2314).

The decision of the Commission dated August 5, 1904, rejecting among others the application of Lugenia Harris for the enrollment of herself and minor child as Cherokee freedmen, was affirmed by the Department October 15, 1904 (I.T.D. 7604).

Julia Ann Jones and Lugenia Harris, the principal applicants herein, are children of Bose and Millie West, and were born since 1866, and possess no right to enrollment other than as descendants of their said parents. The minor applicants in the cases possess no rights to enrollment other than as descendants of their said mothers.

Your office reports that the records in the cases show that the motion is entirely without merit and show conclusively that Bose and Millie West were not slaves of Cherokee citizens at the commencement of the war of the rebellion, and did not return to the Cherokee Nation prior to February 11, 1867. The record shows that they were slaves of John Harnage, who was a resident citizen of Ross County, Texas, and had lived there twenty or thirty years prior to the outbreak of the civil war.

It is now contended that Bose West was the slave of Walker Mayfield and this motion is supported by the affidavits of Dillie Atkins and C. D. Hardin, but your report is to the effect that these affidavits are absolutely false, and you recommend that the motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

June 17, 1904 (I.T.D.4879), and April 29, 1906 (I.T.D.6204), the Department denied motions for a rehearing of the Cherokee freedman case of Julia Ann Jones et al.

On June 12, 1906 (I.T.D.10428), the Department denied a motion for rehearing of the case of Lugenia Harris et al.

No reason in law or fact appears in these cases which would justify a modification of the finding thus far had therein, and the motion for a rehearing is denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 7 to Ind. Of.

Cherokee F.
R 791.

Muskogee, Indian Territory, February 16, 1907.

Lugenia Harris,

Roland, Indian Territory.

Dear Madam:

You are hereby advised that the motion for a rehearing filed in your Cherokee freedmen enrollment case, was denied by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-69.
HJC

Commissioner.

Cherokee F.
R 791.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment cases of Lugenia Harris, et al., and Julia Ann Jones, et al., was denied by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-70
HJC

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Lugenia
Harris for enrollment as a Cherokee Freedman.

No. F. D. 1032

J. O. Clark lawful age, being duly sworn on
oath states that on the 28 day of Aug, A. D., 1901, he registered
to Lugenia Harris whose postoffice is Muldrow
Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto~~
~~attaches the receipt of the Postmaster at~~ Indian Territory,

and that on the 4th day of Sept, 1901, he received the return
card which is hereto attached, signed by the said Lugenia Harris, showing
that he had received said notice.

Subscribed and sworn to before me on this the 4th day of Sept, A. D. 1901.

M. H. Adams
Notary Public.

(Seal)

8: FD 1032

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
day of..... A. D. 1901.

Given under my hand this
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 4 1901

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 4 1901

 ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Lugenia Harris,
for enrollment as a Cherokee Freedman:

Case No. F. D. 1032

To Lugenia Harris,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Port Gibson Indian Territory, on the following dates, to-wit: September 4th A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 28th day of August, 1901.

R. B. Bell
W. W. Hastings
J. D.avenport
Attorneys for the Cherokee Nation.

13

X 101032

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 2 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901.
 Post Office Muldrow St.
 District Sev.

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

12. Name of wife Lugenia Harris Age 21

Owner's name _____ Citizenship _____

Year K.C. Page 112 No. 2787 District Ill

Parents:

Father Boze West Citizenship _____

Mother Milkie Citizenship _____

Names of Children:

1. Jane Harris Year _____ Page _____ No. _____ Dist. _____

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by Wm. Harris Stenographer J. O. Rosen

1. On K.C. roll as Jennie West
 2. Birth app. to be supplied

X Ref. 10989

4

FD-103

RECEIVED
MAR 24 1962

[Signature]
MAR 24 1962

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Eugenia Harris,

Chadron, I. T.

Cherokee-F-D-1032.

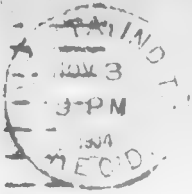
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



RECEIVED
JUN 3 11 30 AM
1900

RECEIVED
JUN 3 11 30 AM
1900

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.

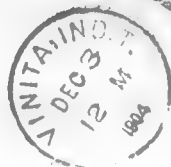
Central Office

Cherokee Freed.

Return to Writer.
UNCLAIMED.

~~A. S. McRae~~

~~Winita, Indian Territory.~~



Cher. Fr. R. 795

Trans from Cher. Fr. D 1052

Cher. Fr. R. 795

-R-

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 21, 1901.

In the matter of the application of Joseph Bruner for the enrollment of himself and four children as Cherokee Freedmen; he being sworn and examined by the Commission, testified as follows;

- Q What is your name? A Joseph Bruner.
Q How old are you? A 65 going on.
Q What is your post-office address? A Benge, I. T., Sequoyah District.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized as a Cherokee Freedman? A I have once been paid money, on the Wallace roll.
Q Have you ever been enrolled as a Cherokee Freedman? A I was enrolled at the Wallace and Kern-Clifton enrollment.
Q Have you ever applied for enrollment in any other tribe or nation? A No sir, never in my life.
Q Do you now apply for anyone else besides your children? A 4 children.
Q How old are the children? A One of them is going on 15.
Q That the oldest? A That's the oldest.
Q What is its name? A Susie.
Q What is the name of the next one? A Mary.
Q How old is Mary? A She will be 11 years old the 25th of next month.
Q Next one? A Annie.
Q How old is Annie? A She will be 9 years old the 2nd day of this coming June.
Q Next child? A Priscilla, she will be 7 years old the 22nd day of this coming January.
Q Are these children alive and living with you at this time? A They are living in the Nation here, me and their mother is parted, they are living with a woman down there on Garrison Creek.
Q Are they living at your home? A Not at my home; I am not living at my home myself; it is rented out.
Q You are taking care of the children? A Yes sir.
Q You are the father of the children? A Yes sir.
Q Who is the mother of the children? A Mary.
Q Who is Susie's mother? A Mary.
Q Annie's? A Mary.
Q And Mary's mother? A Mary.
Q Who was the mother of Priscilla? A Annie.
Q Your daughter Annie? A No sir, that's another wife I had.
Q Is Mary living? A Yes sir.
Q Are you living with her? A No sir.
Q She a citizen? A No sir, state woman.
Q When were you married to her? A I lived with her and had 7 children by her; I lived with her in '84.
Q Begun to live with her in '84? A Yes sir.
Q How long did you live with her? A I lived with her until I had 7 children by her.
Q How long was that? A That was in '84 when I first met her.
Q When did you separate from her? A It has been about 8 years ago.
Q Were you ever lawfully married to her? A I never was lawfully married to her, simply ~~xx~~ for the very reason she had a living husband, and he lived in Arkansas, and I didn't get no divorce, and my citizenship then was opposed to.
Q Have you ever been married to Annie? A Yes sir.
Q When were you married to her? A I was married to Annie, I forget what year it was, but it was just before the Kerns and Clifton enrollment.
Q About 1890? A Yes sir, just a while before Judge Parker took on sick and died.

Joseph Brunet et al 2

- Q Was Priscilla born before you were married to Annie or afterwards? A She was born, I paid her granny fees.
- Q Was she born before or after you were married? A She was born before I married.
- Q How long before? A She was about 5 or 6 months old.
- Q When you married Annie? A Yes sir.
- Q Where were you married to Annie? A I was married to her in my own house right in Sequoyah District.
- Q Were you married by a minister of the Gospel? A Yes sir.
- Q Have you got a marriage certificate? A I didn't bring it with me.
- Q Are you and she living together at this time? A No sir.
- Q When did you separate from her? A It will be 4 years ago this coming October, going on three or four years ago.
- Q Has she this child, Priscilla? A Yes sir, she taken her last October.
- Q She is living with her mother? A Yes sir.
- Q You provide for this child? A Yes sir. I raised it from the time right along, and provided for it.
- Q Is your first wife Mary living? A Yes sir.
- Q Are these three oldest children living with Mary? A No sir, they are not.
- Q Where is Mary living now? A In Fort Smith.
- Q You were a slave before the war? A Yes sir.
- Q To whom did you belong? A I was born under Joe Vann.
- Q He a Cherokee Indian? A Yes sir.
- Q Where were you living at the beginning of the war between the United States and the Confederacy? A At Fort Smith.
- Q Was that at the beginning of the war? A I went there in the fall of '61.
- Q Did you live there continuously up until the time the war broke out? A When my folks didn't visit over here up the Nation I was at Fort Smith.
- Q You were making your home in Fort Smith? A I had to make my home there, there's where they made their home, and I was their slave.
- Q Were your owners making their home there at that time? A Yes sir.
- Q Did you leave the Cherokee Nation during the war? A In '61.
- Q Where did you go to? A Yankee Army, in Fort Scott, Kansas.
- Q How long did you remain at Fort Scott? A Stayed there until the close of the war, first backwards and forwards from Fort Scott here and around, with the army.
- Q Where did you go? A Come back here to Fort Gibson.
- Q What time did you return to Fort Gibson? A I returned here in August, '66.
- Q How long did you stay here? A I stayed here around and about here until the spring of '68.
- Q You remained here until the spring of 1868? A Yes sir.
- Q Then where did you go? A Went back to Kansas.
- Q How long did you remain in Kansas? A I stayed there 8 or 10 months, I guess.
- Q Then where did you go? A Come back to the Nation.
- Q To Fort Gibson? A I come through here and stayed three or four days, and went on down to Sand Town.
- Q How long did you remain in Sand Town? A I stayed backwards and forwards there for quite a while; I didn't live right in Sand Town, I had no wife, no family, I was on the go; sometimes I would be over here in the Creek Nation, about the Creek Agency.
- Q How long did you ever live in the Creek nation? A Oh I stayed there two or three months, just around.
- Q How long at any one time have you actually resided in the Cherokee Nation since the war? A At one time, I have lived here ever since, I settled down about 16 years ago, I lived in the Cherokee Nation, built me a home.
- Q That was about 16 years ago? A Yes sir.
- Q Have you been living here continuously since that time? A Since that time, nowhere else.

Joseph Brunet et al 3

BY MR. HASTINGS: Cherokee Republic

Q Who owned you when the war come up? A E.B. Bright and his wife Mary Ann Wheeler.

Q They lived in Fort Smith, Arkansas? A Yes sir.

Q And you have lived there since 1891, or did, up to the war?

A Yes sir.

BY COMMISSION:

Q Does your name appear upon any of the rolls? A On the Wallace roll and Kerns and Clifton roll.

1880 authenticated rolleffizens of the Cherokee Nation examined and applicant not identified thereon.

1895 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 153, #3183, Joseph Bruner, Sequoyah District, in a list of thirteen names, headed by the notation,

"Admitted Freedmen. These 13 names rejected by Special Agent Wallace, but admitted under evidence filed by Mr. Wallace."

NOTE opposite the name of Joseph Bruner:
"E.B. Bright, Master."

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Q Did you ever apply to the Kern-Clifton Commission? A Right here in this house.

Q Did you draw the money? A No sir.

Q Did you draw the Wallace money? A Yes sir.

Q How much? A \$15.50.

Q That was all the money you ever have drawn from the Cherokee Nation? A That's all the money I have ever drawn from the Cherokee Nation.

Q Was E.B. Bright a citizen of the Cherokee Nation? A He had a store in the Creek Nation, with a Creek man by the name of George D. Stidham, they were partners in the Creek Nation; he courted Mary Ann Wheeler.

Q Was E.B. Bright or his wife either one recognized in the Cherokee Nation as citizens? A She drew her money as an Old Settler.

Q When did she die? A In Paris, Texas, during the war.

Q Did they ever live in the Cherokee Nation? A Her father did, and he was a printer, and moved to Fort Smith. That's how become his family there.

Q Were you sold to E.B. Bright? A I was bought by her father and when she married Bright- I don't know whether I was sold or turned over to him.

Q Was her father a Cherokee? A He was a white man, and her mother was a Cherokee woman, Nanoy Watie, before she married Judge Wheeler. Stan Watie was her sister.

BY MR. HASTINGS:

Q I wanted to ask you where E.B. Bright was ever recognized as a citizen of the Cherokee nation? A I don't know. He was living here with his children and died here with his children.

Q That was after the war, I mean before the war? A Oh no, he was a white man.

Q And he was not a recognized citizen of the Cherokee Nation before the war? A I don't know, I couldn't tell you; he married Wheeler's daughter and was living in the Creek nation.

Q You were living in Fort Smith? A I was living with Judge Wheeler then in Fort Smith.

Q Was Bright's wife ever recognized as a citizen of the Cherokee Nation before the war? A Well some I believe, she drew money for her in the Old Settler payment, drew one hundred and fifty dollars ahead.

Joseph Bruner et al 4

Q Did she ever draw any other money besides the Old Settler money?

A There was no other money paid out to her.

Q When did she die? A During the war.

BY MR. HASTINGS:

Q You have been here all this last spring, why didn't you put in your application before the Commission? A Mr. Markham -I was waiting upon him to come here, Mr. Hastings, looking for him and expecting him all the time, and he sent word to Jim Keyes to enroll me, and Jim Keyes said he wasn't positive about the year he met me, and for Markham, knewed the children, for him to come. And he was on the Grand River and didn't come and sent word by George Nave for Jim Keyes to enroll me, and all the courts would be broke up here and I went back home; I heard you was going to have another time.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green
Subscribed and sworn to before me this September 24th, 1901.

C. R. Buckniner

Commissioner.

Remainder of this case taken by stenographer, Bruce C. Jones.

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COMMISSION TO THE GOVERNMENT

FILED IN 5-1901

Joseph Bruner and 4 children, as Cherokee Freedmen.

September 21, 1901.

Continued from testimony taken by Stenographer M. D. Green.

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ROSWELL MACKAY, appearing before the Commission and being duly sworn and examined, testified as follows:

- Q What is your name? A Roswell Mackay.
- Q How old are you? A About 79.
- Q What is your postoffice address? A Braggs.
- Q Braggs, Indian Territory? A Yes, sir.
- Q You a recognized freedman of the Cherokee Nation? A Yes, sir.
- Q You acquainted with the applicant, Joe Bruner? A Yes, sir.
- Q When did you first learn to know him? A I knew him before the war.
- Q How long before the war? A About four or five years I reckon.
- Q Where was he living at that time? A At Joe Vann's across the river there with his master and mistress.
- Q In the Cherokee Nation? A Yes, sir.
- Q You say you learned to know him four or five years before the war? A Yes, sir.
- Q And he was living in the Cherokee Nation at that time? A Yes, sir.
- Q Where were you living then? A I was living right close there.
- Q Do you know whether or not he left the Cherokee Nation at the outbreak of the war? A No, sir, I can't tell you that.
- Q How long did he continue to live there with his master? A I don't know, but I left him there, I had to go to Red River.
- Q You went away during the war? A Yes, sir, I went south.
- Q When did you come back? A I came back directly after peace.
- Q Did you see Joe Bruner after you returned? A Yes, sir, I saw him but it was a good while before I saw him.
- Q Where did you see him? A Around there about Sandtown and around there in the bottom.
- Q In the Cherokee Nation? A Yes, sir.
- Q About how long was that after you came back? A I can't tell you exactly how long it was, I seen him often, pretty near any time when I would be going around there.
- Q As much as two or three years after you came back? A Yes, sir.
- Q Was it longer than that? A I don't know as it was any longer, it might have been longer or shorter.
- Q How long did he continue to live at Sandtown? A I can't tell you that, I would go backwards and forwards, I don't know whether he stayed there or went somewhere else.
- Q Do you know where he is living now? A Yes, sir, living close in the Cherokee Nation down towards Fort Smith.
- Q Do you know to whom he belonged? A Joe Vann.
- Q Was he living with Joe Vann when the war came up? A Yes, sir, living right there when the war came up.
- Q You are sure about that? A Yes, sir, there is where I saw him last, Joe Vann's, he was there with his mistress; Joe Vann was blowed up in a steamboat you know.
- Mr. Hastings: Right there at Webbers Falls was he? A Yes, sir, right out from there.
- Q About how far? A About, we called it a short mile, it isn't that far though.
- Q You left after the war came up? A Yes, sir, the war came up, I was living up on Grand River away up here.
- Q And there is where you left Joe with his mistress, Polly Vann? A Yes, sir, Polly Vann, and Jennie Vann.
- Q You are positive about that? A Yes, sir, I am, because I lived there with them.

JOSEPH BRUNER, recalled and further examined, testified:
Commission: When did you first see Roswell Mackey before the war?
A When I first came to know anybody he was married on Joe Vann's place, married a colored woman named Cynthia, a colored servant of my mistress, I was a child.

Q You went to Fort Smith in '51? A Yes, sir.

MADISON BROOKS, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Madison Brooks.

Q How old are you? A I am 73.

Q What is your postoffice address? A Berlin, Sebastian County, Arkansas, that is down below Fort Smith.

Q You are not a citizen of the Cherokee Nation? A Oh no sir.

Q You are acquainted with Joe Bruner? A Yes, sir.

Q When did you first learn to know him? A I will tell you the whole point; I knew Joe Bruner, Judge Wheeler, a man named Judge Wheeler in Fort Smith he married a Stan Watie woman, an indian woman, she was a Cherokee; well Joe was brought - he belonged to the Bruners - he was brought to Fort Smith and Judge Wheeler bought him, I been knowing Joe about from '51, but I mistake not when he was first brought to Fort Smith, he was a young fellow and of course I was a little older than he was, but I been together all the time; and Judge Wheeler married this Stan Watie and Judge Wheeler bought Joe from the Bruners and then Mr. Bright married Judge Wheeler's daughter, which Judge Wheeler's wife was an indian, Stan Watie, and then he turned Joe over to Mr. Bright, living in Fort Smith, and I been knowing Joe ever since, and then when the war come up, Joe he run away and went with the Federals, and then when he came back, he came back about ten years after the war was over, -

Q How long after the war was over? A 20 years; after the war was over Joe came back to Fort Smith, Mr. Bright was yet alive, then he went from there and lived in the Cherokee Nation and been living in the Cherokee Nation ever since; he belonged to the indians society all his life; now I have told you all I know about Joe and that is all I know to tell you.

Q You state he belonged to Bruner? A He first belonged to Bruner then he was brought to Fort Smith and Judge Wheeler bought him, Judge Wheeler had married an indian Cherokee, Stan Watie, who was a brother in law to old Stan Watie; this Mr. Bright, he married Judge Wheeler's daughter and then he turned Joe over to them, and then when the war came up why of course Joe run away, and he came back then and lived over in the Cherokee Nation, got a place over there now.

Q Was Judge Wheeler a Cherokee or a white man? A Judge Wheeler was a white man.

Q Now did he buy this man Joe Bruner, at the same time Wheeler came over here and married his wife; did Joe Bruner come to Judge Wheeler's at the same time Judge Wheeler married his Cherokee wife?

A Judge a little bit after that.

Q Judge Wheeler bought him then from Bruner? A Yes, sir, and kept him and then Mr. Bright was working in Fort Smith, married Judge Wheeler's daughter, and then he turned Joe over to him.

Q Do you know where Joe came from when he came back to Fort Smith ten years after the war? A Let's see if I can remember; I can't remember right off; I can't tell, I can't get it placed right in mind where he came from when he came to Fort Smith.

Q After Joe run away at the outbreak of the war you never saw him till ten years after the close of the war? A Yes, after the close of the war.

Q That is the first time you seen him? A Yes, sir.

Mr. Hastings: Who did he belong to when the war come up?

A Belonged to Mrs. Nolan.
Q Where did you live? A Between Fort Smith and Van Buren.
Q How far from Fort Smith? A Two miles and a half.
Q How far from Bright's? A Bright lived in Fort Smith.
Q How far from there? A That is two miles and a half.
Q Did you know every negro in Fort Smith? A I used to know every negro, I been there ever since I was 17 years old.
Q Where you been living since? A Down at Spring Hill.
Q How long you been living at Spring Hill? A I went out to Spring Hill in '67, out to run the mill, called it Snyder's Mill.

BOB BREWER, appearing before the Commission, and duly sworn and examined, testified as follows:

Q What is your name? A Bob Brewer.
Q How old are you? A About 51 I guess.
Q What is your postoffice address? A Fort Gibson.
Q Indian Territory? A Fort Gibson.
Q Are you a recognized Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q You acquainted with Joe Bruner? A Yes, sir.
Q How long have you known him? A I have known him ever since, oh ever since he was a little chap.
Q Did you know him before the war? A Yes, sir.
Q You say you are 51 years old? A Yes, sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A I was living down here at Webbers Falls, at Perry Brewer's.
Q Where was Joe Bruner living at that time? A He was living at Webbers Falls.
Q Near that place? A No, sir.
Q How far from there? A I don't know who his owners was, but then there was the place, but I don't know who he was living at right along then, but it was them Vanns he belonged to, Rich Joe Vann.
Q At the outbreak of the war he was living at Webbers Falls?
A Yes, sir, because I would see him and his brother all the time, had a brother named Buck.
Q Did he leave Webbers Falls during the war, did Joe? A Yes, sir, I don't know, I went south and I left him there then.
Q When did you come back? A I came back the year of '66.
Q Did you see Joe when you came back? A Yes, sir, when I got back, I stayed there at a place a little while and I came up here along in the summer of '66 and I found him to Gibson, I came to see my father, Russell Vann.
Q Do you know how long he remained here at Gibson? A No, sir.
Q Do you know where he is living now? A Well, every time I can hear from where he was living, he was living in Sequoyah down here this side of Fort Smith.
Q How often do you see him? A About two or three years he comes up here: his relations are up here.
Q Do you know that he ever lived in Fort Smith? A No, sir.
Q Never heard of him living there? A No, sir, every time I could hear of him he was in Sequoyah.
Q And you are sure he was living in Webbers Falls, Cherokee Nation, at the outbreak of the war? A Yes, sir.
Q Did he belong to Joe Vann? A Yes, sir.
Q Mr. Hastings: You were born in '50: you are 51? A Yes, sir, I am 51.
Q What time in the year did you come back with your owners from down south, what time did you come here, the year? A I can't remember now what time it was I came here, I didn't come back exactly with my owners.
Q Well, when did you come back? A I think it was kinder cold yet.

Q Along in the cold part of the year? A Yes, sir, it was just getting kinder cold.

Q Along in December you think? A I think it must have been along there.

Q Then it was the next summer you saw Joe? A Yes, sir.

Q You stayed down there a few months before you saw him? A Yes, sir, I stayed down there till along about in the spring, we came back along in Marcy I think from the south and then when I saw him it was next summer I came up here to see my father, and my father went north and we went south and I came up here to see my father, and I saw him here to Gibson.

Q What was his wife's name? A He didn't have no wife then.

Q Didn't he have any children with him at that time? A No, sir, I never known him to have any wife at all till here about ten or eleven years ago, and his children is small, the only children I known him to have, they are small, they are not over that high (indicating).

Q You lived right near him down there at Webbers Falls before the war? A Yes, sir.

Q You were boys, Kinder grew up together? A No, sir, he is way older than me.

Q But you knew him quite well? A Yes, sir, I knew him quite well.

Q He belonged to Joe Vann when the war came up? A Yes, sir.

Q Lived there pretty near Webbers Falls? A Well right in the bottom there.

Q Near there? A Yes, sir, right there in the bottom.

Q You are positive of that? A Yes, sir, I know of that because we lived five miles this side of Webbers Falls and I was down there every once in a while.

Q You are just as ~~positive~~ positive about that as you are that you saw him after the war? A Yes, sir.

Q You are just as positive of one as the other? A Yes, sir.

Q You know anything about dates? A No, sir.

Q You don't know when that big payment was made here? A No, sir, I just know it was made.

Q Do you know when the Wallace payment was made? A Yes, sir, I was there, I got some money.

Q You know it was made but you don't know the year? A No, sir, I don't know what year it was.

Q Do you know what year it was you were married? A No, sir, I don't know that, I know I was married.

Q Is your mother living? A No, sir, she is dead.

Q Do you know what year she died? A Well, I did know but I have forgot now.

Q You don't know that now? A No, sir.

Q You weren't but 18 or 19 years old when the war closed, were you; were you married when you saw Bruner here after the war? A No, sir, I was old enough to marry, but I had such a hard time I couldn't hardly get nobody to have me.

Q What year is this? A This year: no, sir, I don't know what year this is; I had a hard time.

Applicant, JOSEPH BRUNER, recalled, and further examined, testified:

Commission: You say you were never married to Mary Bruner? A No, sir, that is all, I never was before that.

Q Were you ever married to Mary? A No, sir, I went to get license to marry but they wouldn't issue me any license in the Nation.

Mr. Hartigan: Did you ever live with any other woman but that as your wife? A No, sir.

Q Never did; never had any children? A Yes, I had a child time of the war when I was a young fellow.

Commission: Mary was married before you began to live with her?

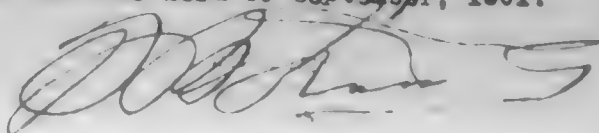
A Yes, sir, was married to a fellow named Fellow Foster.

Q She never was divorced from him? A No, sir.

Commission: Joe Bruner applies for the enrollment of himself and his four minor children, Susie, Mary, Annie and Priscilla. He avers that he formerly belonged to one Joe Vann, and in the year 1851 was sold to one E. B. Bright, or his wife. He also avers that he lived in the State of Arkansas, at Fort Smith, ten years before the outbreak of the war between the United States and the Confederacy. In 1861 he went out to Fort Scott, Kansas, and remained there till the close of the war, after which he states that he returned to Fort Gibson about August, 1866. Up until 20 years after the war it appears that from the testimony that he had no settled residence. He avers that he came to the Cherokee Nation sixteen years ago and has been living here continuously since that time. The first three children named are children by Mary Foster. He lived with her about nine years, but was never married to her. Before he began to live with her she was married to one Fellow Foster, from whom she was never divorced. The last child, Priscilla, is the child of his wife Annie, who was born about five or six months prior to his marriage to the child's mother. He separated from his wife Annie some four years ago. It will be necessary that he file with the Commission satisfactory proof as to his marriage to his wife Annie. The said Joe Bruner is identified upon the Wallace roll, and particular attention is invited to the note which appears opposite his name upon said roll. He cannot be identified upon any of the other tribal rolls of the Cherokee Nation in the possession of the Commission; neither can his children be identified upon any other rolls. The said Joe Bruner and his four minor children will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting the final decision of the Commission. When the same is rendered he will be duly notified in writing at his present postoffice address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 23rd of September, 1901.



Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1902.

In the matter of the application of Joseph Bruner et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-1082.

Cherokee Nation represented by W. W. Hastings.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr.

Q Are you stenographer for the Cherokee attorneys? A Yes, sir.

Q Did you make any effort to get service upon Joe Bruner, the applicant in this case? A Yes, sir, I did.

Q What did you do? A Sent a notice and a registered letter to his postoffice at Bengie, I. T., and the postmaster informed me that Joe Bruner was dead, and he couldn't deliver the letter.

MR. HASTINGS: Come now the representatives of the Cherokee Nation and move to submit testimony in this case as to Joe Bruner's children for whom he made application for enrollment.

COMMISSION: The request of the Cherokee Nation will be entertained and the testimony heard.

W. W. WHEELER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. W. Wheeler.

Q How old are you, Mr. Wheeler? A I am between 54 and 55.

Q What is your postoffice? A Sallisaw, Indian Territory.

Q Did you know the applicant, Joseph Bruner, a colored man? A Yes, sir.

Q Did you know him before the war? A Yes, sir.

Q Who did he belong to when the war came up? A At the time the war came up he belonged to E. B. Bright.

Q Where was he living? A Fort Smith, Arkansas.

Q Was he a citizen of the state of Arkansas? A Yes, sir.

Q Not a citizen of the Cherokee Nation? A No, sir.

Q He had formerly belonged to your father? A Yes, sir.

Q And your father had sold him to Bright? A Yes, sir, but my father bought him from Mitchell Sparks.

Q But he had sold him before the war? A Yes, sir, sold him before the war.

Q About how long before the war? A I believe he sold him in '60.

Q To E. B. Bright? A To E. B. Bright.

Q He was freed by E. B. Bright? A He ran off from E. B. Bright and he never was captured there.

Q He was his slave? A He was his slave.

COMMISSION: Was E. B. Bright a citizen? A Citizen of the state of Arkansas.

Q Wasn't a citizen of the Cherokee Nation? A No, sir.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Witnessed and sworn to before me on the 1st day of May, 1864.

R. A. Smith
Notary Public.

97ma

Cherokee Freedmen D-1052.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Bruner and his four minor children, Susie Bruner, Mary Bruner, Annie Bruner and Priscilla Bruner as Cherokee Freedmen.

-:-

DECISION.

The record in this case shows that on September 21, 1901, Joseph Bruner appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his minor children, Susie, Mary, Annie and Priscilla Bruner, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 18, 1902.

The evidence herein shows that the principal applicant, Joseph Bruner, was not the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee country at the commencement of the war of the rebellion. The minor applicants herein are the children of the said Joseph Bruner, were born since 1866, and possess no rights to enrollment other than as his descendants. None of the applicants can be identified on the authenticated Cherokee tribal roll of 1880.



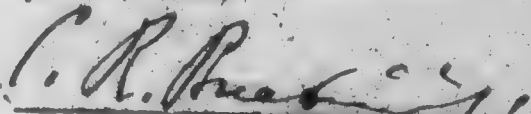
The evidence further shows that the said Joseph Bruner died on December 14, 1901. An affidavit to that effect is filed with and made a part of the record herein.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stat. 716) provides:

" The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the application for the enrollment of Saele Bruner, Mary Bruner, Annie Bruner and Priesilla Bruner, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1896 (30 Stat. 495), and it is so ordered. And it is further ordered by this Commission that the application for the enrollment of Joseph Bruner as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the act of Congress approved July 1, 1902 (32 Stat. 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

C. R. Bruner
Commissioner.

Muskogee, Indian Territory,
this JAN 11 1905

Cherokee Freedmen
D 1042

Muskogee, Indian Territory, January 23, 1904.

Susie Bruner,

Seneca, Indian Territory.

Dear Madam:

In the matter of the application of your father, Joseph Bruner, for enrollment as a Cherokee Freedman, the Commission has information to the effect that your father has recently died. There is herewith inclosed a blank form of death affidavit, and if the Commission's information is correct, you are requested to have this affidavit properly executed and forward same to the Commission in the inclosed return penalty envelope.

Respectfully,

Encl. V-51

Commissioner in Charge.

Cherokee Freedmen
D 1052.

Muskogee, Indian Territory, May 10, 1904.

Susie Bruner,
Benge, Indian Territory.

Dear Madam:

In the matter of the application of your father, Joseph Bruner, for enrollment as a Cherokee freedman, the Commission has information to the effect that your father has recently died. There is herewith enclosed a blank form of death affidavit, and if the Commission's information is correct, you are requested to have this affidavit properly executed and forward same to the Commission in the inclosed return penalty envelope.

Respectfully,

Enc. D-10.

Chairman.

Cherokee Freedman

D-1062

Muskegee, Indian Territory, July 19, 1906.

Susie Bruner,

Wagon, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of your father Joseph Bruner, as a Cherokee freedman the Commission has information to the effect that he has recently died. There is herewith inclosed a blank form of death affidavit, and if the Commission's information is correct you are requested to have this affidavit properly executed and to forward same to the Commission in the inclosed return penalty envelope.

Respectfully,

Enc. 1 B.A.

Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE,

WM. O. SHALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MDC

REPLY IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-1052.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 25, 1904.

E. Squire,

Roland, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 30, asking to be advised as to the status of the application for the enrollment of John Bruner's children as Cherokee freedmen. You state that the last child, Susan Bruner, is now married to one J. J. McDonald.

In reply you are advised that the Commission's records show that Susie, Mary, Annie and Precilla Bruner have been listed for enrollment as Cherokee freedmen on a doubtful card. You are further advised that the Commission has not yet rendered a decision in that case. When a decision has been prepared the parties concerned will be furnished with copies.

It is noted that you state that the child Susan is now married to one J. J. McDonald. It is requested that this Commission be furnished with evidence of said marriage.

Respectfully,


Chairman.

(C O P Y)

Cherokee Freedmen
D-1052.

Muskogee, Indian Territory, January 11, 1905.

Susie McDonald,

Roland, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 12, and, by reference from the Secretary of the Interior, of your letter of December 26, 1904, relative to your enrollment as a Cherokee freedman.

In reply there is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, dismissing the application for the enrollment of your father, Joseph Bruner, and rejecting the application for the enrollment of yourself and your sisters, Mary, Annie and Priscilla Bruner, as Cherokee freedmen. There has heretofore been furnished your attorney, J. Garfield Buell, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secre-

very will be made known to you as soon as the Commission is
informed of the same.

Respectfully,

(Signed) JAMES BERRY.

Chairman.

Encl. B-23.
Register.

(C O P Y)

Cherokee Freedmen
D-1052.

Muskogee, Indian Territory, January 11, 1905.

J. Garfield Busell,

Attorney for Joseph Bruner, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, dismissing the application for the enrollment of Joseph Bruner, and rejecting the application for the enrollment of his children, Susie, Mary, Annie and Priscilla Bruner, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) T. M. BLUNT.

Chairman

Incl. 8-24
Register.

COPY.

Cherokee Freedmen
D-1062.

Muskogee, Indian Territory, February 7, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to departmental letter of January 27, 1905 (I. T. D. 720-1905), there are herewith inclosed copies of the Commission's letters of January 11, 1905, registering to the applicants and their attorney copies of the Commission's decision of that date in the matter of the application for the enrollment of Joseph Bruner, et al., as Cherokee freedmen.

Respectfully,

James Bixby.

Chairman.

Incl. 8-37.

COPY

Cherokee Freedmen

D-1082.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, dismissing the application for the enrollment of Joseph Bruner, and rejecting the application for the enrollment of his children, Susie, Mary, Annie and Priscilla Bruner, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-26.

(SIGNED):

Jama Kirby

Chairman.

COPY.

Cherokee Freedmen
D-1082.

Muskogee, Indian Territory, January 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Joseph Bruner, et al., including the Commission's decision dated January 11, 1905, dismissing the application for the enrollment of Joseph Bruner and rejecting the application for the enrollment of his children, Susie, Mary, Annie and Priscilla Bruner, as Cherokee freedmen.

Respectfully,

Incl. 3-22.

(SIGNED)

Tame Dixby.

Chairman.

Through the

Commissioner of Indian Affairs.

(COPY)

Refer in reply
to the following:
LAND
1878-1905

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

January 21, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 11, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Joseph Bruner for himself and his four minor children, Susie, Mary, Annie and Priscilla Bruner.

January 11, 1905, the Commission decided adversely to the application.

The record shows that the principal applicant was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee nation at the beginning of the war of the rebellion; that the minor applicants are the children of Joseph Bruner born since 1865 and possess no rights to enrollment other than as his descendants, and that none of the applicants are identified on the 1880 authenticated Cherokee roll.

It is further shown that the principal applicant, Joseph Bruner died December 14, 1901.

-3-

In view of the record the approval of the Commission's
decision adverse to the applicants is recommended.

Very respectfully

G. F. Larrabee
Acting Commissioner

M.H.H.

Y. P.
FHE

DEPARTMENT OF THE INTERIOR,

D. C. 5360-1905.

WASHINGTON. January 27, 1905.

I. T. D, 720-1905.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department does not find with the record in the Cherokee freedman case of Joseph Bruner, et al, received with your letter of January 11, 1905, any evidence of service of notice of your decision upon the applicants.

It is requested that you inform the Department when and in what manner you gave notice of such decision.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

D. S. 51787-1905

L. T. D. 720-1905

" 1074-

1026-

L R E

Y. P.
P R E

DEPARTMENT OF THE INTERIOR

WASHINGTON.

August 4, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 11, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Joseph Bruner for the enrollment of himself and his four minor children, Essie, Mary, Annie and Priscilla Bruner, as Cherokee Freedmen, including its decision of the same date, which was adverse to the applicants.

Reporting January 21, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission is hereby affirmed.

Messrs. Neal and Gordon, of Fort Smith, Arkansas, have entered their appearance in this case.

Respectfully

(Signed) THOS RYAN
Acting Secretary

1 inclosure

Cherokee Freedmen

COPY.

D-1052.

Muskogee, Indian Territory, August 18, 1905.

Susie McDonald,

Roland, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, dismissing the application for the enrollment of your father, Joseph Bruner, and rejecting the application for the enrollment of yourself and your minor sisters, Mary, Annie and Priscilla Bruner, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 4, 1905.

Respectfully,

LS

(SIGNED).

Wm. O. Beale
Acting Commissioner

Cherokee Freedmen

D-1052.

COPY.

Muskogee, Indian Territory, August 18, 1905.

Neal & London,

Attorneys for Joseph Bruner, et al.,
Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, dismissing the application for the enrollment of Joseph Bruner, and rejecting the application for the enrollment of Susie McDonald, Mary, Annie and Priscilla Bruner, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 4, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Incl. S-72

SIGNED.

Wm O'Boyle
Acting Commissioner

Cherokee Freedmen

COPY.

D-1052.

Muskogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 11, 1905, dismissing the application for the enrollment of Joseph Bruner, and rejecting the application for the enrollment of his minor children, Susie McDonald, Mary, Annie and Priscilla Bruner, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 4, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

Wm O. J. Seale
Acting Commissioner

LS

Incl. 3-73

Cherokee Freedmen

D-1052.

COPY

COPY

Muskogee, Indian Territory, November 10, 1905.

Susie McDonald, formerly Bruner,
Roland, Indian Territory.

Dear Madam:

In reply to your letter of October 20, addressed to the Secretary of the Interior, you are advised that the decision of the Commission to the Five Civilized Tribes, rejecting, among others, the application for your enrollment as a Cherokee freedman, was approved by the Secretary of the Interior on August 4, 1905. The action of the Interior Department is final.

Respectfully,

RECEIVED.

Tammie Bixby

Commissioner.

LS

Cherokee Freedmen
R 795

Muskogee, Indian Territory, June 21, 1906

Susie McDonald,

Roland, Indian Territory.

Dear madam:

This office is in receipt of your letter of June 14, in reference to the case of Joseph Bruner.

You are advised that this office cannot determine from the contents of your letter the nature of the information desired. You are advised, however, that the records of this office show that the application of Joseph Bruner for enrollment as a Cherokee freedman was dismissed by the Commission to the five civilized tribes, and his application for the enrollment of, among others, his child Susie Bruner, as a Cherokee freedman was denied by the Commission, and its action approved by the secretary of the Interior on August 4, 1905.

Upon receipt of more definite information your letter will receive further attention.

Respectfully,

L M B

Commissioner

C. F. D. 1052

32

IN RE
THE DEATH OF

Joseph Bruner

a citizen of the

Cherokee

Nation.

Approved *July 27* 1904

W. B. Needles

Commissioner.

(Copy)

Filed

July 27 1904

Commissioner to the Five Tribes

70,1052

89

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copy
In the matter of the death of Joseph Bruner
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Benue, Ind. Ter., and died on the 14th day of
December, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, J. J. McDonald, on oath state that I am 24
years of age and a citizen, by Freedman of the Cherokee Nation;
that my postoffice address is Rowland, Ind. Ter.; that I am
Son-in-law of Joseph Bruner
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Freedman of the Cherokee Nation;
and that said Joseph Bruner died on the 14th day of
December, 1901.

WITNESSES TO MARK:

(Mark in Two Witnesses.)

Seal

Subscribed and sworn to before me this 26th day of July, 1901.

My Commission expires Aug. 28, 1904

A. B. Schuck
Notary Public,
Sebastian Co. Ark.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Wm. West, on oath state that I am 23
years of age, and a citizen by Freedman of the Cherokee Nation;
that my postoffice address is Fort Smith Ark., Ind. Ter.;
that I was personally acquainted with John Bruner
(Here insert name of deceased.)
who was a citizen, by Freedman of the Cherokee Nation;
and that said Joseph Bruner died on the 14th day of
December, 1901.

WITNESSES TO MARK:

(Mark in Two Witnesses.)

Seal

Subscribed and sworn to before me this 26th day of July, 1901.

A. B. Schuck
Notary Public,
Sebastian Co. Ark.

My Commission expires Aug. 28, 1904

9

20

101052

IN RE

Application for Enrollment of

INFANT CHILD

Suzie Brunner

as a citizen of

Sherbee

Nation.

Approved

November 25 1901

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 25 1901

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Susie Bruner, born on the 17 day of Dec, 1886.
(Here insert name of child.)
Name of Father: Joseph Bruner, a citizen of the Cherokee Nation.
Name of Mother: Mary Carter, a citizen of the US Nation.
Post-office, Benige I T.

AFFIDAVIT OF MOTHER.

State of Arkansas
UNITED STATES OF AMERICA,
County of Sebastian District.

I, Mary Carter, on oath state that I am 45
years of age and a citizen, of the US Nation;
that I am the lawful wife of Joseph Bruner, who is a citizen, by
blood, of the Cherokee Nation, that a female child was
(male or female.)
born to me on the 17th day of December, 1886 that said child has been
named Susie Bruner, and is now living.

WITNESSES TO MAKE

(Must be Two Witnesses)

John R. Astin
Gandy Carr

Mary Carter

Subscribed and sworn to before me this 20 day of November, 1901.

Sam Edmunds

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

State of Arkansas
UNITED STATES OF AMERICA,
County of Sebastian District.

I, Caroline Jackson, a Midwife, on oath state that I
attended on Mrs. Mary Bruner wife of Joseph Bruner,
on the 17th day of December, 1886; that there was born to her on
said date a female child; that said child is now living and is said to have been
named Susie Bruner.

WITNESSES TO MAKE:

(Must be Two Witnesses)

John R. Astin
Gandy Carr

Caroline Jackson

Subscribed and sworn to before me this 20 day of November, 1901.

Sam Edmunds

NOTARY PUBLIC.

8

FD 1052

20

IN RE

Application for Enrollment of

INFANT CHILD

Annie B. Miller

as a citizen of

Cherokee

Nation.

Approved

November 8 5 1901

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 25 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Annie Bruner, born on the 2nd day of June, 1892.
(Here insert name of child.)
Name of Father: Joseph Bruner, a citizen of the Cherokee Nation.
Name of Mother: Mary Carter, a citizen of the U.S. Nation.
Post-office, Benys I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District. }

I, Mary Carter, on oath state that I am 45
years of age and a citizen, by United States Nation;
that I ~~was~~ the lawful wife of Joseph Bruner, who is a citizen, by
blood of the Cherokee Nation, that a female child was
(male or female.)
born to me on the 2nd day of June, 1892, that said child has been
named Annie Bruner, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses)

John R. Adams
Andy Carr

Mary C. Carter

Subscribed and sworn to before me this 20th day of November, 1901.



John R. Adams
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

State of Arkansas
UNITED STATES OF AMERICA,
Logan County, Arkansas
District.

I, Caroline Jackson, a Midwife, on oath state that I
attended on Mrs. Mary Carter, wife of Joe Bruner,
on the 2nd day of June, 1892, that there was born to her on
said date a female child; that said child is now living and is said to have been
named Annie Bruner.
(male or female.)

WITNESSES TO MARK:

(Must be Two Witnesses) John R. Adams
Chas. Whitman

Caroline Jackson
matt 16

Subscribed and sworn to before me this 20 day of November, 1901.




John R. Adams
NOTARY PUBLIC.

B

J.D. 1052

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept. 21, 1901

Post Office Range 23

District Sequoyah

1. Name Joseph Brainerd

Owner's name Joe Brainerd

Year 1888 Page 153 No. 2153

Parents:

Father

Mother

Citizenship

Citizenship

2. Name of wife

Owner's name

Year Page

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

2.	Lucie Brainerd	Year	Page	No.	Dist.	15
3.	Mary	Year	Page	No.	Dist.	11
4.	Annie	Year	Page	No.	Dist.	9
5.	Orville	Year	Page	No.	Dist.	7
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by No. 1

Stenographer M. D. Brainerd

and Brainerd to Jones

Evidence of marriage to his wife Annie required.

101020

IN RE

Application for Enrollment of

INFANT CHILD

Mary Bruner

a citizen of

Cherokee

Nation.

proved.

190

Commissioner.



State of Arkansas)
County of Sebastian)

I, Caroline Jackson, a mid wife, on oath states that I attended on Mrs. Mary Garter, wife of Joseph Bruner on the 28th day of September 1899, that there was born to her on said date a female child; that said child is now living and is said to have been named Mary Bruner.

Witnesses to mark

The changing of the sign to
1899. from the original at
request of affiant before
Henry Hoffman
Henry Vogel

Caroline Jackson
midwife
She signed the same
Sam. Edmundson
Notary Public

Subscribed and sworn to before me this 30th day of November



Sam. Edmundson
Notary public

STATE OF VERMONT

DEPARTMENT OF

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Mary Bruner, born on the 25 day of September, 1889
(Here insert name of child)
Name of Father: Joseph Bruner, a citizen of the Cherokee Nation.
Name of Mother: Mary Carter, a citizen of the U.S. Nation.
Post-office, Beverly L.I.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

John R. Carter
County of Schenectady
I, Mary Carter

years of age and a citizen, by

that I was the lawful wife of

blood of the Cherokee
born to me on the 25 day of September 1889

named

Mary Bruner

, on oath state that I am 45

, of the U.S.

Nation;

Joseph Bruner

, who is a citizen, by

Cherokee

Nation, that a female child was
(male or female)

born to me on the 25 day of September 1889 that said child has been

, and is now living.

Mary Carter

WITNESSES TO MARK

(Must be Two
Witnesses)

John R. Carter
Andy Carr

Subscribed and sworn to before me this

20 day of November 1901.

Sam Edmundson

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

INDEXED.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
8730			
1902	MAY 27 1902		

CHEROKEE.

Mullen, Newton,
Benge, I. T.,
May 27, 1902.

States that the father
of certain Bruner children
died last November, and
that the midwife cannot tell
the exact date of birth of
the children.

Benge P. O. S. D. May 27/02
Hon Judge Needles
Dear Sir:-

I write you to inform you
That the father of these children
Sue & Bruner + Mar Bruner
^{Precilla} ~~Mar Bruner~~ is dead
He deceased last November 1901
and a few days after your
letter came regarding of him to
correct the mis-take made in the
affidavit of Mar Bruner his
daughter I taken Mrs Carolina
Jackson to do, and had another
affidavit made out. She
stated before Judge J. C. Ed-
mondson that she
could not remember dates of the

Month or years as she
 is illiterate. She
 said she was the mid-wife
 But she can not remember
 year or month Mary was born
 Therefore she said Mary
 Bruner statement the wife
 of John W. Bruner must
 be true. She said
 she had her in the Territory
 some in the Territory
 Anna Nelson

Edge please you
 remember the children they
 are Fatherless

I am yours truly
 Newton Muller

4101082

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 24 1902



ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

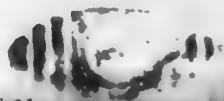
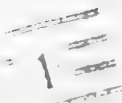
Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

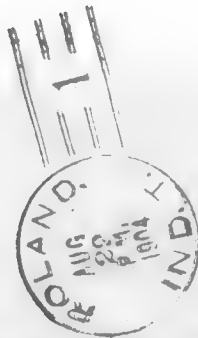
TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.





Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

*with all
returned to
Write*

General Office

Cherokee Freed.

E. Squire,

~~Roland, Indian Territory~~



Cher. Fr. R. 796

Trans. from Cher. D1057

Cher. Fr. R. 796

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DEPT. OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

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[Signature]

ACTING CHIEF

Serial 1000-1000

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PORT GILSON, I. T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MARSH
WILLIAMS, et al., as Cherokee Indians, offered on part of Cherokee
Nation.

APPEARANCES:

Mr. A. S. McRae, Attorney for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

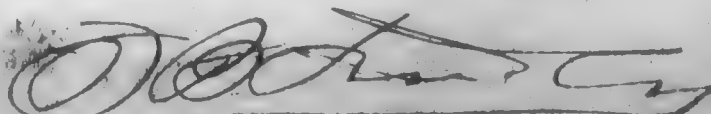
Mr. Hastings: The representatives of the Cherokee Nation
desire to offer in evidence Section Two, Chapter Seven, Com-
piled laws of the Cherokee Nation, 1875; the language being
the same as Section 442, Chapter 7, Article 1, of the Compiled
laws of the Cherokee Nation of 1892, with reference to the
boundaries of the Cherokee Nation, for the purpose of showing
that the Arkansas River is the boundary line.

--Ldps0000cc--

J. O. Roscoe, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
 foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Roscoe

Subscribed and sworn to before me this October 4th, 1901.



Commissioner.

CONFIDENTIAL

Sworn to and subscribed before me this 21st day of October, 1953.

True and complete transcript of his stenographic notes the record of proceedings and testimony in the above case, and the foregoing is a

- 12 -

COMMISSION TO THE UNITED STATES

FILED

5 1953

File with Cherokee Freedman, D-1057, Mary J. Wiley

Department of the Interior,
Commission to the Five Civilized Tribes,
Port Gibson, I.T., September 24, 1901.

In the matter of the application of Mary Jane Wiley for enrollment as a Cherokee Freedman.

Appearances:

A. S. McRea, attorney for applicant;

W. W. Hastings, of counsel for Cherokee Nation.

MARY JANE WILEY, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Jane Wiley.
- Q How old are you? A 52.
- Q What is your postoffice address? A Muskogee.
- Q What district do you live in; you live at Muskogee? A Yes, sir.
- Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you desire to enroll besides yourself? A My children.
- Q How many? A Two.
- Q Please give me their names? A Annie and ---
- Q Are your children of age? A Yes, sir.
- Q What are their names? A Anna.
- Q How old is Anna; about how old? A About 21, I reckon.
- Q Well, what is the name of the next child? A Susie Collins.
- Q Is she married? A Yes, sir.
- Q Does your name appear upon any of the rolls of the Cherokee Nation? A No, sir.
- Q Have you ever been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q How were you recognized? A The Cherokee Nation.
- Q The Cherokee Nation recognized you? A Yes, sir.
- Q You ever draw any funds from the Cherokee Nation, any money? A No, sir.
- Q Have you any certificate of having been admitted? A No, sir.
- A. S. McRea: Where were you born, Mrs. Wiley? A Cherokee Nation.
- Q Were you a slave in the Cherokee Nation before the war? A Yes, sir.
- Q Do whom did you belong? A Sophie Calbreath.
- Q She a Cherokee citizen by blood? A Yes, sir.
- Q Did you go out of the Cherokee Nation during the war of the rebellion between the North and South? A No, sir.
- Q Have you lived in the Cherokee Nation continuously ever since you were born? A Yes, sir, all my life.
- Q What was your mother's name? A Jane Ray.
- Q Your father's name? A Armstead Ray.
- Q Did they belong to the same owners as that of yourself? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A All of life.
- Q Where did you say you are living now? A Muskogee now.
- Q How long have you been living there? A Two years.
- Q Where were these two children whom you mention born? A Born in the Cherokee Nation.
- Q Have you ever made application to be enrolled as a Cherokee Freedman before this? A No, sir.
- Q Can you state any reason why you have never applied? A Well, I never applied, I did thought once I would go, but I never tried.
- Q Have you ever lived out of the Cherokee Nation any great length of time while out this two years it is claimed you have lived in Muskogee? A No, sir.

Mr. Hastings: You ever live out at all? A. No, sir.

Q Where did you move from when you moved to Muskogee? A I went to Muskogee.

Q From what place? A Cherokee line, Cherokee Nation.

Q I want to know where at, where was your postoffice? A Muskogee.

Q Well before you went to Muskogee? A Down there in the Cherokee Nation about Fort Smith.

Q Those place were you living on down there? A Living down near a place on my mother's place.

Q What was her name? A Jane Ray.

Q How long had your mother gone by that name of Jane Ray? A She been going by that ever since she was my mother.

Q Always, has she? A Yes, sir.

Q Never went by any other name? A No other name.

Q Has she got a place down there? A Yes, sir.

Q Not far is it from Gabe Payne's place? A Not very far.

Q About how far? A I can't tell you exactly how far about, I reckon about a mile apart, lived there by me when I was quite small.

Q You were small when you lived down there? A Yes, sir.

Q You can't hardly remember it? A Yes, I can remember.

Q Just hardly can? A I can just remember, I was old enough to remember.

Q That was before you were married? A Yes, sir.

Q You left there and went to Muskogee? A Yes, sir.

Q You went directly from there to Muskogee? A Yes, sir.

Q That has been so long ago you just can't remember it? A Been to Muskogee about two years, I left there and went to Muskogee.

Q But you wasn't married when you left there? A Yes, sir, I was married, I married there in the Cherokee Nation, and married.

Q You did? A Yes, sir, I married in the Cherokee Nation.

Q Who did you marry? A I married a man named Wiley.

Q What was his first name? A West Wiley.

Q Was that your first husband? A Yes, sir.

Q He the father of all those children? A Yes, sir, he is of my two children.

Q You always went by the name of Wiley? A Yes, sir, ever since I married him.

Q Where did you live before the war? A Lived down there in the Cherokee Nation.

Q Right at the same place? A Same place, with my mother.

Q How far from Fort Smith? A Not to say a great way from it.

Q As many as 40 miles? A Yes, sir, I think about 40 miles to my remembrance.

Q That is your best judgment? A Yes, sir, my best judgment.

Q Live by any creek? A Yes, sir.

Q Payson Creek? A Yes, sir.

Q Your postoffice location? A No, sir.

Wife: I object to that.

Q What town did you live near? A Fort Smith.

Q That was your nearest town was it? A That was my nearest town that I went to.

Q What direction was Fort Smith from where you lived? A I can't tell you exactly, I know that it was we went when we had to go to town we went to Fort Smith.

Q You went there though before the war? You lived over there in Arkansas? A I lived in the Cherokee Nation.

Q You know Dillard's folks? A I know Gilbreath.

Q You know Dillard too? A Yes, sir, I believe I do.

Q And you belonged to him before the war? A No, I belonged to the Gilbreaths.

Q What was Dillard's wife's name? A Nellie.

Q And what was his oldest child's name, Dillard? A Mrs. Dillard.

Wish J unie.

Q What was the next one named? A Mrs. Simpson..

Q How far did you live from them? A They lived, we didn't live very far from them.

Q Quarter of a mile? A Yes, sir, about a mile.

Q You knew them pretty well? A Yes, sir, I knew them well, well acquainted with them.

Q How far did they live from town? A They didn't live so awfully far, about seven or eight miles.

Q East of town? A Yes, sir.

Q Over towards the sunrise from Fort Smith? A Yes, sir.

Q And you lived right there by them? A Yes, sir, they were my neighbors.

Q How far was that from Van Buren? A I can't tell exactly, but I reckon about seven or eight miles, 9 or 10 I guess.

Q Down the river from there? A Down the river, just on down the river.

Q Right straight down the river? A Yes, sir.

Q Towards Little Rock? A Yes, sir.

Q There is where you were born and raised? A Yes, sir, there is where I was born and raised.

Q You were married down there? A Yes, sir.

Q All these children were born down there? A Yes, sir.

Q The same place? A Yes, sir.

Q Now, who married you? I am trying to get the man's name, if you remember? A His name was Granville.

Q Was that his first name or last name? A His name was Granville Crenshaw.

Q You were married on Mrs. Dillard's place? A No, sir, married in the Cherokee Nation.

Q On whose place, I am trying to get? A On Mrs. Gilbray's place, my mother's owner.

Q Now, was that down towards the sun rise from Van Buren? A Yes, sir.

Q You knew that? A Yes, sir, I know that.

Q What was this woman's husband named, Gilbray? A His name was Gilbray.

Q I mean do you know his first name, William or John or Henry?

A His name was Jim, I think, Jim Gilbray.

Q Well, what was any of his family, tell us the names, did he have any children? A Didn't have any children.

Q None except he and his wife? A He and his wife.

Q Live in a house? A Yes, sir.

Q What kind of a house? A Double log house, old timey house.

Q Had a farm? A Yes, sir.

Q How far was that from the Arkansas river now? A I can't tell you exactly how far from that.

Q Did you ever see the Arkansas river before the war? A Yes, sir, I saw the Arkansas River before the war.

Q You don't know how far from it? A No, sir, I can't tell how far exactly.

Q Was it a short distance or a long distance? A I reckon about five or six miles to my remembrance.

Q Did you live in a hilly country or prairie country, or what kind? A I lived on a hill.

Q Possum Creek was near you? A I don't know about Possum Creek, but I lived on a hill near a creek.

Q And Dillard lived right by you, a neighbor? A Yes, sir.

Q You know that? A Yes, sir, I know that.

Q Is about quarter of a mile? A Yes, sir.

Q What kind of a house did he live in? A He lived in a kind of a log house.

Q Is Dillard dead? A Yes, sir.

Q When did he die? A He has been dead a good many years.

Q Since the war? A Since the war.

Q You were living there by him before the war? A Yes, sir.

Q You live by him after the war? A Yes, sir.

Q And you moved from there to Muskogee? A Yes, sir, I moved from there to Muskogee and lives in Muskogee, I have been in Muskogee about 10 years.

Q Who else were some of your neighbors down there? A Mrs. Nolan.

Q Who else? A Mrs. Sumford.

Q She is Billard's daughter? A Yes, sir.

Q Nolan is Billard's daughter? A No, sir, I don't think she is any relation.

Q She a colored woman? A No, sir, she is a white woman.

Q Who were some of your neighbors before the war? A Well, that is all I know that I can remember.

Q They were all you know? A They were all I know.

Q Mrs. Nolan a Cherokee? A No, sir, not a Cherokee.

Q You didn't know any Cherokees before the war? A No, sir.

Q Never saw one? A I have seen them a time or two.

Q Who are you going to have for your witnesses here?

McRae: I object to that.

Commissioner: That is legitimate, that is proper.

A Well that gentleman was my witness (indicating).

Q Where did you ever see him first? A I saw him down here.

Q What is his name? A His name is Mat Nolan, he knowed me a girl up, know when I was born.

Q Know you were born in Arkansas? A Yes, sir.

Q Know you been living there until you went to Muskogee? A In the Cherokee Nation where I was bred and born there.

Q Who told you to come up here and apply? A No one at all, I used my own judgment.

Q You didn't go before the Kern-Clifton Commission? A No, sir.

Q You didn't draw that money? A No, sir.

Q You never tried to enroll before? A No, sir, there was so much fight against it.

Commissioner: Didn't you know there was money coming to the Cherokee Freedmen, called the Kern-Clifton or strip money? A Yes, sir, I heard about it.

Q But you never tried to get it? A No, sir, never tried to get it.

Q Is your father living? A No, sir, he is dead.

Q When did he die? A Died before the war.

Q Is your mother living? A No, sir.

Q Die before the war? A No, sir, she died 15 years ago.

Q Did she ever draw any money? A No, sir.

Q Where did she die? A She died down in the Cherokee Nation.

Q In the Cherokee Nation? A Yes, sir, she has been dead about five years this last August past.

Q She never drew any money? A No, sir.

Q Was she a slave before the war, your mother? A No, sir.

Q Your mother wasn't a slave? A No, sir.

Q She was known as a state woman, was she? A Yes, sir.

Q You say you belonged to Gilbreath? A Yes, sir, my mother belonged to the Gilbreaths.

Q I thought you said just now that your mother wasn't a slave?

A No, she was a slave of Gilbreaths.

Q The same as you? A Yes, sir, a slave of Gilbreaths.

Q Were they Cherokees? A Yes, sir.

Q Cherokee Indians? A Yes, sir, my mother's owners.

Q Did your mother die in the Cherokee Nation or in the State? A She died in the Cherokee Nation.

Q Was she old when she died? A On the old place where she died.

Q Were you there when she died? A Yes, sir, I was right there when she died.

Q Well, who owns that place now? A The children owns it.

Q The witness answered: I am a mother's child.

A Well, you are one of your mother's children, aren't you?

A Yes, sir.

Q Now, you mentioned just now where you lived in the Cherokee Nation that the distance was forty miles or forty miles, you didn't mean that, did you?

Mr. Hastings: Don't ask her that now, you can't lead her that way.

Commissioner: Ask her if it was 40 miles.

Q Are you certain it was 40 miles? A Yes, sir, I am certain.

Q From the Cherokee Nation to Fort Smith, where you lived?

A Yes, sir, I think so.

Q Did you ever go to Fort Smith from where you lived? A I went there a time or two.

Q How long did it take you to go? A I have gone there in a day and come back, it was just a ride.

Q Just a just a days drive? A I have ride, we always went over and come back.

Q Now you didn't mean to say you were born in Arkansas, did you?

A No, sir, I was born in the Cherokee Nation.

Q You have continuously lived there until you moved to Muskogee?

A Yes, sir.

Mr. Hastings: You know Joe Brown? A No, sir.

Q Never saw him? A No, sir, saw him a little or two but never was much acquainted with him, just knew he was Joe Brown.

Q None of your family lived with him? A No, sir.

Commissioner: You know where the line was dividing the State of Arkansas and the Cherokee Nation? A Right on the line of the Cherokee Nation.

Q You know where the line was? A No, sir.

Mr. Hastings: You know whether Fort Smith is in the Cherokee Nation, or where? A That was in the Cherokee Nation, where I lived.

Q Well, is Fort Smith in the Cherokee Nation? A Part of it, where we lived.

Q Where you lived? A Yes, sir.

Q Were there any creeks near there, near Fort Smith? A No, sir, none.

Q You say there are no creeks or streams near Fort Smith? A No, sir, none but the river.

Q What river? A Arkansas river.

Q Now which side of Arkansas river did you live on? A Lived on the other side.

Q On the other side from here? A Yes, sir.

Q Now how far on the other side? A Well, about 3 or 4 miles I guess.

Q You mean you lived there before you went to Muskogee? A Yes, sir, there is where I lived.

Q On the other side of the Arkansas River three or four miles?

A Yes, sir, there are four miles.

Q There are where you were born and raised? A Yes, sir, there is where I was born and raised, right there.

Q Now, now you are positive about that? A Yes, sir, I am positive about that.

Witness called, being duly sworn by Commissioner Hastings, testified as follows:

A. S. Walker, your agent, A. National Bank.

Q Now, please see what is the name of the person, who has just called, his name? A Yes, sir.

Q How long have you known her? A I been knowing her now ever since - I knew her mother and father before they were married and knew her ever since she was born, or shortly afterwards.

Q Was she a slave in the Cherokee Nation before the war of the rebellion between the north and the south? A Yes, sir.

Q Do you know to whom she belonged? A She belonged to Mrs - I called her name just now, I know her well, she lived over in the Cherokee Nation, Mrs. Gilbreath, I think, they lived in an old log house; and I knew her mother and father, they belonged to Mrs. Gilbreath and I knew them before they were married.

Q Did she go out of the Cherokee Nation during the war of the rebellion between the north and south? A No, sir, lived on the line in the Cherokee Nation.

Q Has she, to your knowledge, lived continuously in the Cherokee Nation? A Yes, sir, lived continuously ever since I have known her.

Q You say you know her mother and father? A Yes, sir.

Q What was the name of her mother? A Her mother was named Jane.

Q What was her father's name? A Her father's name was Armstead Ray

Q Jane Ray and Armstead Ray? A Yes, sir, I knew them well.

Q To your knowledge, she has lived in the Cherokee Nation continuously and she didn't go out during the war of the rebellion?

A Didn't go out during the war, I would see them every month or two ever since I have been acquainted.

Q You were very intimately acquainted with her and her people from childhood? A Yes, sir.

Q Have you seen her constantly? A Yes, sir, every once in a while, I know them well.

Mr. Hastings: You remember you are under oath now? A I know that, sir, I know where God is.

Q How old are you? A I will soon be 75, been living here in Fort Smith ever since I was 17 years old.

Q How far from Fort Smith did this applicant and her folks live; now I mean when you knew them in '80 or '81, I want to be definite about that? A Well they live on the line now, the line out there run wrong, it has been surveyed and proved though since they lived there, it was then right in the Cherokee Nation, but now it is right on the line between Fort Smith and the Cherokee Nation, I can go there and show you the rocks was put there when the line was run off.

Q Now I want to know on what side of the river, north or south side?

A It is on the south side of the river.

Q On the south side of the Arkansas river? A Yes, sir, where the line runs.

Q Where they lived? A Yes, sir.

Q And they lived there from the war on up? A Yes, sir, and when the war ceased they were still living there, still living on part of it still.

Q This applicant was living there, was she, at that time? A Yes, sir.

Q How far from Fort Smith? A Well, it is just in town, used to be half a the bottom, right down from Fort Smith.

Q I want to know how many miles? A How far; well it is right in the edge of Fort Smith now, but it is off at the right, right on the Arkansas river.

Q You mean down the river towards Van Buren? A Yes, sir, it is down from town.

Q Down from town towards Van Buren? A Yes, sir.

Q In the north edge of the town? A North edge of town, that is right.

Q North edge of Fort Smith? A Yes, sir.

Q There is where this woman was living? A Yes, sir.

Q How long had she been living there? A Been living there all her

life.

Q All her life? A Mighty near.

Q Was she born there? A Yes, sir, all of them were born there.

Q All of the children were born there? A All of her and her sisters.

Q She lived there during the war and after the war? A Yes, sir.

Q And on the north edge of Fort Smith? A Yes, sir.

Q And on the opposite side from here, on the other side? A That is right, yes, sir.

Q Well now about how far north is that from where this Missouri Pacific depot is at Fort Smith, is where they lived? A Where it crosses the Arkansas river you mean.

Q Yes, sir, I want to know how far that lived from where that depot is now, the Missouri Pacific Depot, this Valley depot? A Oh, the Valley depot, oh they lived about, let's see, I suppose it is about two or three miles.

Q Down the river towards Van Buren? A Well just a little towards Van Buren, where the railroad crosses the river, it is the Valley that comes up from Van Buren, but they lived on the other side of the river from here, but they lived right down by the edge of Fort Smith, down near the bottom of the river, I would call it about five miles or four and a half.

Q I believe you say that is on the north side of Fort Smith?

A That is what I said, on the north side, ~~that is it~~ that is it.

Q And two or three miles from this Valley Depot? A Yes, sir, what I would call two, that is what they call it.

Q Call what? A Where they stayed is in the Cherokee Nation, where that station is in the Cherokee Nation, you take up the Valley road, that is the way you go, you have to cross the bridge and the Valley road goes to Fort Gibson.

Q You think the Valley road runs out in the Cherokee Nation?

A Yes, sir.

Commissioner: There is a station called Cherokee there? A Yes, sir, that is what they call it.

Mr. Hastings: These people didn't live up there at the Cherokee station before the war? A No, sir, I never said they lived at Cherokee station, I told you that they lived on the Cherokee line.

Q On the other side of the Arkansas river? A It is on the side which Fort Smith is on of the Arkansas River.

Q Well now, what was the man's name, the master's name, his first name? A They belonged to this one I called the name of just a while ago, that is the they belonged to; my memory passes in things of that kind, but what I called to you just now the name that they belonged to, they belonged to them all the time, that was who they belonged to; I can't call the name right now.

Commissioner: Gilbreath? A Yes, sir.

Mr. Hastings: Do you know his first name? A No, sir, that is all I know just now, the woman was named Sophie.

Q How far did you live from there? A I lived from there about seven miles; I lived on the Little Rock road leading from Fort Smith, but they have lived in Fort Smith and I have lived in this place, Fort Gibson, years ago too, I knew them.

Q When this woman has lived on the edge of Fort Smith all her life?

A Just on the line.

Q Well, it is right on the edge of Fort Smith? A Yes, sir, just a little from there, a little north of there; yes, sir, I know them well, knowed her father and mother before they were ever married; that is all I can tell you about them.

Q Why does her mother go by the name of Ray? A Well, her husband, that was his given name, Amos Ray, and she goes by the same name, like a lady would marry you she would go by your name, but that is before they belonged to Mrs. Gilbreath though, but how he came to get his name I can't tell you; I belonged to Mrs. Solom.

Q They lived on the little back road out there? A Yes, sir, a double log house.

Q This Gilbreath did? A Yes, sir.

Q On road? A Double log house, had two rooms.

Q He a farmer? A Yes, sir.

Q Live on a creek? A On Cherokee Creek, a creek called Cherokee.

Q What did it flow into? A It flowed into Lees Creek and then into the Arkansas river.

Q This creek is on the other side of the Arkansas river from here?

A It is on this side of Arkansas River from here, but then it goes into the Arkansas River.

Q I thought you said these people lived on the other side of the Arkansas River? A I told you they lived on the other side of Arkansas River right down below Fort Smith on the old Cherokee line.

Q And on the same side of the river Fort Smith is on? A On the same side of the river Fort Smith is on.

Q Is Lees Creek on the same side of the river that Fort Smith is on? A No, sir, on the other side.

Q How can Cherokee Creek cross the Arkansas and flow into Lees Creek? A I didn't say it crosses the Arkansas.

Q How could they be living on Lees Creek? A You asked me where did these Gilbreath people live, didn't you?

Q No, sir, I asked you where they lived? A No, sir, they didn't live on no Cherokee Creek; what I am telling the truth.

Commissioner: Did you know the Gilbreaths? A Yes, sir.

Q Are they white people? A No, sir, Cherokees.

Mr. Hastings: Did you know some people by the name of Dillards down there? A Yes, sir, well acquainted with them.

Q How far did Dillards live from these people? A About two miles and a half or three miles.

Q What direction? A They lived northeast, about three miles, three and a half.

Q These people belonged to Dillards? A They belonged to the ones I told you about, the Gilbreaths.

Q Did they belong to Dillards? A Did they ever?

Q Yes, sir? A Belong to the Dillards; no, they belonged to these Cherokees.

A. S. Moran: Did Mary Wiley's mother have any other children besides her? A Yes, sir, she had Laura and Maria and Armstead, and I can't think of the other boys' names.

Q Have one by the name of Nora? A Yes, Nora, that is right, I sure know them.

Q Are they alive? A Yes, sir, they are alive.

Mr. Hastings: Which one is the oldest? A Well I believe Laura is the oldest child; no, the oldest child is dead.

Q What is the oldest living child? A Now I can't tell you just the oldest living child, but I know them all.

Q You know them from their birth? A Yes, sir, but which is the oldest living child has gone passed my memory.

Q Which is the older, Laura or Mary? A Mary is older than Laura.

Q Which is the older, Laura or Mary? A She is the daughter of Mary.

Q Which is the older, Mary or Laura? A Now mister, I won't tell you which is the older, only I know them, but to tell you the exact age, I can't do that, because I never kept no record of it.

Q How many were born before the war? And how many after the war?

A I can't tell you that, I know them, that is all I can tell you.

Q How many do you know that were born before the war, and that were alive, of these children? A Of them children, there was Armstead, and his brother, I have forgot his brother's name now, Armstead is alive though yet; there was four if I mistake not.

Q Give me their names? A One was named Armstead, and the boy was named, I can't think about that, and one was named Maria, that was a girl, and the other one was named Nora, if I mistake not.

Q Laura was born since the war? A No, Laura was born before the war.

Q Where were you living during the war? A Living during the war, I lived, well my home was between Van Buren and Fort Smith.

Q Where did you live? A But I disembarked all during the war.

Q Where did you live the first years after the war? A The first years after the war, I came back on the old home place; no, I stayed in Little Rock and in '84 I came on the old home place before the war ended.

Q How long did you stay there? A Stayed there till '67 and then I moved out to Spring Hill.

Q How far from Fort Smith is Spring Hill? A Eight miles on the Little Rock road.

Q And you have lived there ever since? A Ever since.

Q In Arkansas? A Yes, sir, in Arkansas; yes, I used to stay her in Fort Gibson once.

I Haven't gotten S. McRea; that is all the witnesses I have just now,

The tribal rolls of the Cherokee Nation in the possession of the Commission examined; and the applicant not identified thereon.

Commissioner: Mary J. Wiley applies for the enrollment of herself. She cannot be identified upon the rolls of the Cherokee Nation. She avers that she was the slave of one Gilbreath and lived in the Cher-kee Nation all her life, excepting two years of residence, which she avers she resides at Muskogee in the Creek Nation. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. She will be notified by mail of the action of the Commission when a conclusion is arrived at.

Additional testimony, introduced by Cherokee Nation.

JOHN H. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John H. Ross.

Q What is your age? A I am 37 years old.

Q Do you know this applicant that has just left the stand?

A Yes, sir, I have known her for 15 years.

Q Where did you know her? A Fort Smith, Arkansas. she lived on Third Street.

Q Living on Third Street? A Yes, sir.

Q You know her family? A Yes, sir, I know the whole family of them, they all live right in Fort Smith, Arkansas.

Witness: We don't deny that.

Q Did you ever hear them claim to be citizens? A No, sir, never did.

Q What name did they go by? A Rays, and some goes by the name of Ray and some of them goes by the name of Wilfers, and there is some of them went by the name of, I can't think of the fellow's name, Gus Heyward, I think it is Gus; no the name is Gus; I know the man as well as I know myself, he is working in Fort Smith now; Horace Heywood.

Q And you have known them for 15 years? A Yes, sir, I have known them for 15 years in Fort Smith, Arkansas; I was in Fort Smith last September and they were living there then during the Fort Smith Carnival.

Q Have you been around Muskogee much? A Yes, sir.

Q Did you ever see this woman there? A Yes, sir, I saw this woman

once or twice, she had a daughter that used to be around Fort Smith, Gussie Wiley. Gussie is dead.

A. S. McRae: Now Mr. Ross, you say you have known Mary Wiley for 15 years? A Yes, sir, I have known these folks for 15 years.

Q In the city of Fort Smith? A Yes, sir, well pretty near all the time.

Q Were you intimately acquainted with them? A Intimately acquainted with them, yes, sir.

Q Visited and associated with the family generally? A Not altogether associated with them, because I knew the reputation pretty well.

Q You don't know anything about them before 15 years ago? A No, sir, don't know anything about them before 15 years ago, but I knew them in Fort Smith 15 years ago.

Q Did you ever have any conversation with her as to her citizenship?

A None at all, I didn't ever know she was an applicant.

Q How many did her family consist of 15 years ago in Fort Smith?

A That would be pretty hard for me to give because there is quite a few of them.

Q How many was in Mrs. Wiley's family, how many did she have if you know? A I knew Gus and I know she has another daughter here, and I think Mrs. Wiley had three daughters, if I mistake not, but I knew Gussie well, and this one that is here now, she has got a daughter here: I don't know just exactly how many the family consisted of.

Q What was her occupation when she lived in Fort Smith 15 years ago; I am speaking of Mrs. Wiley, what was her occupation? A Washing and did laundrying, one thing and another.

Q You don't know where she came from when she moved to Fort Smith? A No, sir, but I know she was in Fort Smith, Arkansas.

Q Have you seen her for 15 years continuously living in Fort Smith?

A I wouldn't say that I saw her living in Fort Smith for 15 years, but I knowed him 15 years ago and at that time she was residing in Fort Smith; I was in Fort Smith continually from 1890, '1, or '2 and 3 as United States Marshal, and I saw her there after that, saw them afterwards and they were living on Third Street, and I left Fort Smith in 1893 and I was back in Fort Smith last year during the Carnival and they were in Fort Smith then.

Q Living there? A Yes, sir; I don't know whether I saw Mrs. Wiley, but Heyward he was there.

Q We are on Mrs. Wiley's case? A I don't know for certain whether Mrs. Wiley was there in 1900, but I know she was there in '93 because I left then.

Q That was seven years ago? A Yes, sir.

MARY J. WILEY, recalled for additional cross examination, testified as follows:

Mr. Hastings: Did you ever live in Fort Smith, Arkansas? A No, sir, I always lived in the Cherokee Nation.

Q You have lived in the town of Fort Smith, haven't you? A No, sir, I lived in the Cherokee Nation, on the line.

Q Do you know this John Ross was at the stand? A No, sir.

Q Never saw him? A No, sir, never saw him, don't know anything about him.

Q Never lived on Third Street in Fort Smith? A No, sir.

Q You swear that positively? A I swear that I never lived on Third Street.

Q You swear that you never lived in Fort Smith, Arkansas? A I lived in the Cherokee Nation.

Q Answer that other question? A I can't answer that.

Q You never lived in Fort Smith? A No, sir.

Q You never stayed there? A No, sir, I am always living in the

Cherokee Nation.

Q How far from Fort Smith? A I can't tell you how far from that but I know I lived in the Cherokee Nation.

Q What are the names of your children, got one named Gus? A Gussie, she is dead.

Q A girl of yours? A Yes, sir, she is dead.

Q What are the names of your other children? A Annie and Lula and Sugie and the other children is dead.

Q Who are your neighbors over here in the Cherokee Nation, just before you went to Muskogee? A White?

Q What white? A Nothing but Mrs. Roland and Mrs. Bumford.

Q They were white women? A Yes, sir, white folks.

Q Any Cherokees? A No, sir.

Q Not Cherokees? A No, sir.

Q Not citizens? A No, sir.

Q Any colored folks? A No colored close there that I can remember.

Q They were your only two neighbors that you have lived near and you have lived here ever since the war? A Yes, sir, never lived anywhere but the Cherokee Nation, never was out before I went to Muskogee there and stayed a while.

Q You live there now? A Yes, sir, live in Muskogee right now.

Q How long have you been there? A Been there two years.

Q Where did you take the train to go there? A I didn't take it anywhere.

Q When you went up to Muskogee? A When I went to Muskogee, I went from the Cherokee Nation.

Q What town? A I went from Fort Smith, we lived on the line of the Nation.

Q You lived on the other side of the river? A Yes, sir.

Q What did your husband do down there for a living? A He worked on a farm.

Q On whose farm? A On Mr. Gabe Payne's farm.

Q How long have you known Gabe Payne? A I didn't really know him, I didn't get acquainted with him for a few years after my husband, he always told me that was the man he used to work for before he worked across the river.

Q And you lived on this side? A I lived on this side when my husband did.

Q Did you live on the other side of the river on Gabe Payne's place?

A Yes, sir, not very far from Gabe Payne, me and my husband.

Q S. McRea: Now Mrs. Wiley, did you ever meet Mr. John Ross 15 years ago in the City of Fort Smith? A No, sir, I don't know John Ross, I wouldn't know him from any other man.

Q Did such a man ever visit you and your family? A No, sir, not my family.

Q In the city of Fort Smith? A No, sir.

Mr. Hastings: Do you know that man, John Ross (indicating)

A No, sir.

Q Never saw him before? A No, sir, till now, I don't remember.

Q This is the first you ever laid eyes on him? A Yes, sir, to know anything about.

Q You swear you don't know him? A Yes, sir, I can swear, I came here for the truth, I didn't come here to lie about it.

Q Do you know this man here (indicating Roland Ware.) A No, sir.

A Never saw him in Fort Smith? A No, sir.

ROLAND WARE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Roland Ware.

- 15 -

Q How old are you? A I am 37 years old. Benjamin Hove is my right name.

Q Do you know this applicant, goes by the name of Mary Wiley?

A Yes, sir.

Q How long have you known her? A About 18 years.

Q Where was she living when you knew her? A Fort Smith, Arkansas.

Q In town? A Yes, sir, on Third Street, down at a place called Chickadee Flat.

Q She was living there then, was she? A Yes, sir.

Q When her husband? A Not here, he used to work around there on the freights, drove a transfer there a while.

Q Did you know her family, her children? A I knew two of them, Lula and Gussie.

Q Well, for about what period, length of time, did you know them?

A I worked there on the marshal's force for about six years and they were there all the time.

A. B. McRea: 18 years ago you were on the marshal's force in Fort Smith, were you? A No, sir, not 18 years ago; when I first got acquainted with them I was on the marshal's force.

Q What were you doing in Fort Smith at that time? A Down there attending to my business.

Q How long did you remain there? A Stayed there constantly, in and out, for six years.

Q You lived in Fort Smith, Arkansas, six years continuously yourself? A Worked for the United States Marshal six years, yes, sir.

Q On behalf of the United States Government? A Yes, sir.

Q That was 18 years ago? A No, I didn't say that was 18 years ago.

Q Well, how long has it been? A It was during Col. Yoe's administration.

Q How long has that been? A I worked four years under him and two years under Drump.

Q Has that been six, seven, eight or ten years ago since you were on the marshal's force? A You can count yourself from the time Harrison was president up to now and you can tell how long it has been.

Q 18 years ago? A Yes, sir, 18.

Q Well, under what circumstances did you meet Mrs. Wiley and her family? A Well, not under any particular circumstances, I got acquainted with the whole outfit there, her mother and father.

Q I asked you under what circumstances you met her, how came you to meet her? A Just like I would meet anybody else; we had a way when any of us territory boys went down there to go down to that place, it was kind of a rough place and we hunted them kind of places.

Q And you met this woman, Mrs. Wiley? A Yes, sir.

Q What did her family consist of at that time? A I only knew her and her husband and two girls.

Q What is her full name? A Just the one name, Mary Wiley.

Q That was the only Wiley in the town of Fort Smith? A No, there was one down there they called Annie Wiley.

Q Now are you certain this is Annie or Mary? A I think her right name ought to be Annie.

Mr. Hastings: You say this woman is the same one? A Yes, sir.

Q And her children? A One named Gussie and one named Lula.

Ernest C. Jensen, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he accurately recorded the

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proceedings and testimony in the above case, and the foregoing true and complete transcript of his signographic notes thereon.

Franklin D. Roosevelt

done at and subscribed before me this 5th day of January, 1934.

Commissioner

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FEDERAL RESERVE BANK
NEW YORK
JAN 10 1934

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FEDERAL RESERVE BANK
NEW YORK
JAN 10 1934

Supl. C. S. - D. #1057

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FORT GIBSON, I. T., SEPTEMBER 24, 1901.

SUPPLEMENTAL EVIDENCE in the matter of the marshlands of MARY
WILEY, et al., as Cherokee Freedmen, offered on part of Cherokee
Nation:

APPPEARANCES:

Mr. A. S. McKee, Attorney for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

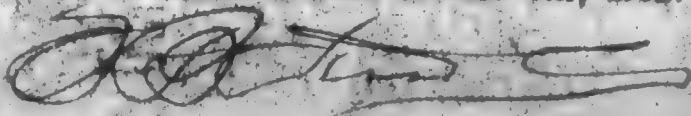
Mr. Hastings: The representatives of the Cherokee Nation
desire to offer in evidence Section Two, Chapter Seven, Com-
piled laws of the Cherokee Nation, 1895; the language being
the same as Section 44, Chapter 5, Article 1, of the Compiled
laws of the Cherokee Nation of 1892, with reference to the
boundaries of the Cherokee Nation, for the purpose of showing
that the Arkansas River is the boundary line.

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F. C. Roosen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

F. C. Roosen

Subscribed and sworn to before me this October 4th, 1901.



Commissioner.

File with case of Mary J. Wiley, C.F.-D.#1067.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1907.

In the matter of the application of Susie Collins for the enrollment of herself and one child as Cherokee Freedmen; said Collins being sworn and examined by Commissioner Needles, testified as follows:

APPEARANCES:

Mr. T. E. Hester, Attorney for Applicants;
Mr. F. W. Hastings, for Cherokee Nation.

- Q What is your name? A Susie Collins.
Q How old are you, Susie? A 18.
Q What is your post office address? A Muskogee.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Wes Collins.
Q Is he a citizen? A No, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A No, sir.
Q You have no children? A Yes, sir.
Q Do you want to enroll your children? A Yes, sir.
Q What are the children's names? A Catherine.
Q How old is Catherine? A Seven months old.
Q Is that all? A Yes, sir.
Q What was your mother's name? A Mary Wiley.
Q Is she the same Mary Wiley that applied here for enrollment to-day? A Yes, sir.
Q Where were you born? A In the Cherokee Nation, right on the line.
Q What part of the Cherokee Nation? A Cherokee Nation is all I know. Right on the line.
Q Which side of the Arkansas river were you born on, the same side that Fort Smith is on? A Yes, sir.
Q You say you now live at Muskogee? A Yes, sir.
Q How long have you lived there? A Two years.
Q You moved from Fort Smith to Muskogee? A Yes, sir.
Q Where was Catherine born? A In Muskogee.
Q MR. HESTER: Have you lived continuously in the Cherokee Nation?
A Yes, sir.
Q Since you were born? A Yes, sir.
Q MR. HASTINGS: You said you were born in Fort Smith?
A No, sir, in the Cherokee Nation.
Q What street were you born on? A On second street.
Q How long did you live there? A I got ready to move there—
Q Bred and born right there? A Yes, sir.
Q On second street? A Yes, sir.
Q And your mother lived there? A Yes, sir.
Q And always lived there until you went to Muskogee? A Yes, sir.
Q How long since you went to Muskogee? A About two years ago.
Q What was the second street in Fort Smith, Arkansas? A Yes, sir.
Q COM'R NEEDLES: Did you ever draw any money from the Cherokee Nation? A No, sir.
Q Never have been recognized by the Cherokee Nation as a Cherokee Freedman? A No, sir.

Com'r Needles: Attorney prays that the testimony taken in the matter of the application of Mary Wiley, C.F. D.#1067, be made part of the record in the case at bar, and same will be done.

Upon examination of the rolls of the Cherokee Nation, the name of the Applicant is not found thereon.

Susie Collins, et al. --2.

(FOURTH READING: Susie Collins applies for the enrollment of herself and her child, Catherine. She swears that she is a daughter of Mary Wiley, that she is now married to one Collins, a non-citizen. She is not identified upon any of the rolls of the Cherokee Nation, and from the evidence adduced it is evident that she has not resided in the Cherokee Nation for a sufficient length of time to entitle her to citizenship as a Cherokee Freedman under the provisions of the law, consequently the application of Susie Collins for the enrollment of herself and her child will be rejected. It will be necessary for her to make satisfactory proof of the birth of her child.

The testimony taken in the case of Susie Collins will be made part of the record in the case of the application of Mary Wiley.

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J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Fosson

Subscribed and sworn to before me this October 4th, 1901.



Commissioner.

C.M.NoR.

C.M.NoR.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nora Haywood, et al., as Cherokee Freedmen, consolidating the applications of--

Nora Haywood, et al.,	Cherokee Freedmen R-167.
Mariah Vann,	Cherokee Freedmen R-168.
Laura Rector, et al.,	Cherokee Freedmen R-169.
Johnnie Smith, et al.,	Cherokee Freedmen R-170.
Annie Foot, et al.,	Cherokee Freedmen R-171.
Susie Collins, et al.,	Cherokee Freedmen R-172.
Mary J. Wiley,	Cherokee Freedmen D-1657.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Nora Haywood for herself and her minor child, Mable Haywood; by Mariah Vann for herself; by Laura Rector for herself and her minor children, Record, Charlie, Emma and Mary Rector; by Johnnie Smith for herself and her minor children, Clay Cliff, Ivory and Bertha Smith; by Annie Foot for herself and her minor children, Josie, Alice and Dibrel Foot; by Susie Collins for herself and her minor child, Catherine Collins, and by Mary J. Wiley for herself.

The evidence shows that the applicants, Nora Haywood, Mariah Vann, Laura Rector and Mary J. Wiley, at the commencement of the rebellion, were the slaves of Cherokee citizens and were residing in Arkansas; that none of them returned to the Cherokee Nation or established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. On the contrary, all of them, except Mary J. Wiley, have resided all their lives in the State of Arkansas. The said Mary J. Wiley resided continuously in said State from the date of her birth until some time after June 28, 1896.

It further appears that the applicants, Mable Haywood, Record Rector, Charlie Rector, Emma Rector, Mary Rector, Annie Foot, Josie Foot, Alice Foot, Dibrel Foot, Susie Collins and Catherine Collins, were born since 1866 and are the respective descendants of the said Nora Haywood, Laura Rector and Mary J. Wiley and have no rights to enrollment except as such descendants.

The evidence further shows that Johnnie Smith was born since 1866 and is the daughter of Ann Carter, who is alleged to have been the slave of a Cherokee citizen at the commencement of the rebellion, but it is not shown that said Ann Carter returned to and established a residence in said Nation within the time specified in said decree; that said applicant, Johnnie Smith, together with her minor children above named, have resided all their lives in the State of Arkansas and never in good faith removed to, or established a residence, in Indian Territory.

The ninth paragraph of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), provides that--

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee Roll.

It is therefore, the opinion of this Commission that the applications for the enrollment of Wera Haywood, Mable Haywood, Mariah Vann, Laura Rector, Record Rector, Charley Rector, Emma Rector, Mary Rector, Jehnnie Smith, Clay Smith, Clif Smith, Ivory Smith, Bertha Smith, Annie Foot, Josie Foot, Alice Foot, Dibrel Foot, Susie Collins, Catherine Collins and Mary J. Wiley as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed-- Tams Bixby.

" T. B. Needles.

" C. R. Breckinridge.

" W. E. Stanley.

Muskogee, Indian Territory

this March 5, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES:

FILED
DEC 5 1901

 ACTING CHAIRMAN

701057

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COMMISSIONERS:
HENRY L. DAWES,
TAMM BLISS,
THOMAS B. HENRISS,
C. R. BROWNHEAD.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Amesbury 27 Dec 5 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Mary J Wiley for enrollment as
Freedmen of the Cherokee Nation.

Isaac and M. Reah

No. 3101057

COPY.

Register

Cherokee Freedmen
Commissioner in Charge.

Enc. D-60

Muskogee, Indian Territory, March 23, 1904.

Mary J. Wiley,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. Your attorney, A. S. McRea, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

A. S. McRea.

Register

Enc. D-60

Commissioner in Charge.

COPY

Cherokee Freedmen
B-157 et al.

Muskogee, Indian Territory, March 23, 1904.

A. E. Miller,

Attorney for Nora Haywood, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1904, in the consolidated case of Nora Haywood et al., rejecting the applications for the enrollment of Nora and Mabel Haywood, Mariah Young, Laura, Rosert, Charlie, Reed and Mary Rector, Johnnie, Clay, Cliff, Leary and Bertha Smith, Annie, Jessie, Alice and Bihard Foot, Samie and Catherine Collins and Mary J. Wiley as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

No. 1-41

Commissioner in Charge.

CCPY.

Cherokee Freedmen
D-107 et al.

Muskogee, Indian Territory, March 23, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Vera Haywood et al., rejecting the applications for the enrollment of Vera and Mahol Haywood, Mariah Vann, Laura, Record, Charlie, Emma and Mary Rester, Johnnie, Clay, Clif, Ivory and Bertha Smith, Annie, Jessie, Alice and Dibrad Post, Susie and Catherine Collins and Mary J. Wiley as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

F. B. Hester

Enc. D-62.

Commissioner in Charge.

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Cherokee Freedmen
B-142 et al.

Muskogee, Indian Territory, March 23, 1904.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Fern Haywood et al., including the Commission's decision, dated March 8, 1904, rejecting the applications for the enrollment of Fern and Mahad Haywood, Mariah Yarn, Laura, Esourd, Charlie, Emma and Mary Hester, Jehania, Clay, Cliff, Ivory and Bertha Smith, Annie, Josie, Alice, and Dibral Root, Susie and Catherine Collins and Mary J. Wiley as Cherokee freedmen.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. B-65.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 23, 1904.

Land.

22631-1904.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 23, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Nora Haywood for herself and her minor child, Mabel Haywood; by Mariah Vann for herself; by Laura Bester for herself and her minor children, Roscoe, Charlie, Emma and Mary Bester; by Johnnie Smith for herself and her minor children, Clay, Clif, Ivory and Bertha Smith; by Annie Feet for herself and her minor children, Josie, Alice and Mabel Feet; by Susie Collins for herself and her minor child Catherine Collins, and by Mary J. Wiley for herself.

March 8, 1904, the Commission decided adversely to all of the applicants

The record shows that the applicants, Nora Haywood, Mariah Vann, Laura Bester and Mary J. Wiley, at the beginning of the war of the rebellion, were the slaves of Cherokee citizens residing in the State of Arkansas; that none of them returned to the Cherokee Nation or established a residence therein on or before February 11, 1867, but on the contrary all except Mary J.

Wiley have resided all their lives in the State of Arkansas, and Mary J. Wiley so resided until some time subsequent to June 30, 1898.

It is further shown that Jehnnie Smith was born since 1866, and is the daughter of Ann Carter, who is alleged to have been the slave of a Cherokee citizen at the beginning of the war of the rebellion, but it is not shown that Ann Carter returned to and established a residence in the Cherokee Nation on or before February 11, 1867; that the said Jehnnie Smith, with her minor children, has resided all her life in the State of Arkansas, and never in good faith removed to, or established a residence in the Cherokee Nation.

The other claimants were born since 1866, and are the descendants of the principal applicants and have no rights to enrollment except as such descendants.

It does not appear that any of the applicants are identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the claimants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

H.N.W.
V.

(C O P Y)

Y. P.

DEPARTMENT OF THE INTERIOR,

FILE

D. C. 40881-1904

WASHINGTON. October 23, 1904.

I. T. D. 18624-1904.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 23, 1904, you transmitted the record in the consolidated Cherokee freedman case of Nora Haywood, et al (P. D-167 et al), including your decision of March 5, 1904, rejecting the applications for the enrollment of Nora and Nabel Haywood, Mariah Vann, Laura, Record, Charlie, Emma and Mary Roster, Johnnie, Clay, Clif, Ivory and Bertha Smith, Annie, Jessie, Alice and Mabel Peet, Susie and Catherine Collins and Mary J. Wiley.

Reporting in the matter October 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

I inclosure.

COPY.

Cherokee Freedman
D-1057

Muskogee, Indian Territory, October 29, 1904.

Mary J. Wiley,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

SIGNED.

Tame Bixby

Chairman.

COPY.

Cherokee Freedmen
R-107 et al

Muskogee, Indian Territory, October 29, 1904.

A. S. Baker,

Attorney for Nora Haywood et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1904, rejecting the applications for the enrollment of Nora and Mabel Haywood, Mariah Vann, Laura, Record, Charlie, Emma and Mary Hunter, Johnnie, Clay, Cliff, Ivory and Bertha Smith, Annie, Josie, Alice and Dibrul Foot, Essie and Catherine Collins, and Mary J. Wiley, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED)

Tamie Birby.
Chief Clerk.

COPY.

Charles H. H. H.
No. 267 on 41

Washburne, Indian Territory, October 20, 1904

Pell, Hastings and Berensport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,
Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Fern and Mabel Heywood, Marian Vann, Laura Wood, Charlie, Emma and Mary Foster, Johnnie, Clay, Miss Ivory and Martha Smith, Annie, Zeola, Alice and Liberal Foot, Essie and Catherine Collins, and Mary J. Wiley, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

SIGNED: *Tama Bixby*
Chairman

"6"

0321057

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept. 24, 1901Post Office Muskogee, I. T.District Seventh

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife Mary J. Wiley Age 52Owner's name Mrs. Wiley Citizenship Cherokee

Year _____ Page _____ No. _____ District _____

Parents:

Father Armistead Ray dead Citizenship CherokeeMother Jane Ray dead Citizenship Cherokee

Names of Children:

3. Year _____ Page _____ No. _____ Dist. _____

4. Year _____ Page _____ No. _____ Dist. _____

5. Year _____ Page _____ No. _____ Dist. _____

6. Year _____ Page _____ No. _____ Dist. _____

7. Year _____ Page _____ No. _____ Dist. _____

8. Year _____ Page _____ No. _____ Dist. _____

9. Year _____ Page _____ No. _____ Dist. _____

10. Year _____ Page _____ No. _____ Dist. _____

11. Year _____ Page _____ No. _____ Dist. _____

12. Year _____ Page _____ No. _____ Dist. _____

Application made by Me Stenographer Samuel L. JonesNot on any roll in possession of the CommissionPresent for the applicant, Miss McLean, Muskogee, I. T.

7101057

RECEIVED
FILED
MAR 24 1902

[Signature]
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



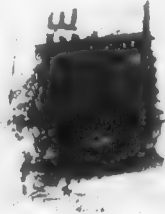
Mary J. Wiley



Muskogee, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mary J. Allen
Muskogee, Indian Territory.

Cher. Fr. R. 797

Trans. from Cher. Fr. D. 1062

Cher. Fr. R. 797

12 1002

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED TO
OCT 7 1901

[Signature]
APPROVED

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Maggie Vann for the enrollment of herself as a Cherokee Freedman by intermarriage.

Maggie Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Maggie Vann.
- Q How old are you? A I am 25.
- Q What is your postoffice? A Redland.
- Q In the Choctaw Nation? A No, sir, it is the Cherokee Nation.
- Q What district do you live in? A I live in Sequoyah.
- Q You apply to be enrolled as a Cherokee Freedman? A Adopted.
- Q Are you married? A Yes, sir, by marriage.
- Q What is your husband's name? A His name is William M. Vann.
- Q Is he a Cherokee citizen? A Yes, sir.
- Q Has he been enrolled by us, by the Commission? A Yes, sir, so said.
- Q Do you claim citizenship by reason of your marriage with Vann?
- A Yes, sir.
- Q Where were you born? A I was born in Arkansas.
- Q You marry in Arkansas? A No, sir, in Redland.
- Q You don't claim to be a descendant of a slave of the Cherokee Nation? A No, sir.
- Q You are what is known as a state woman? A Yes, sir.
- Q Who do you want to enroll besides yourself, anybody? A No, sir.
- Commissioner: Applicant presents a marriage certificate certifying that she was married according to law to Mr. William Vann, the 31st day of December, in the Year of Our Lord 1883.
- Q What was your name before you were married? A Maggie Crawley.
- Q What was your husband's father's name? A Nathan Melton.
- Q What was his mother's name? A Rosanna Melton.
- Q How does his name happen to be Vann? A That is the way I married, by Vann, I got acquainted with him by Vann; Nathan Melton is his stepfather.
- Q His mother's name was Rosanna Vann before she married Melton?
- A Yes, sir, I guess so.
- Q Where is your husband? A He is up at Lanepah.
- Q Were you ever married before you married William Vann? A No, sir, I never had been.
- Q Was he ever married before he married you? A Yes, sir.
- Q Was his first wife living? A Yes, sir.
- Q Was he divorced from her? A Yes, sir.
- Q Have you any proof of the divorce? A Yes, sir, I guess.
- The 1886 authenticated roll of Cherokee Freedmen examined and the applicant's husband identified thereon, page 764, No. 834, as Wm. Milton, Sequoyah district; enrolled on Card F 565.
- Q You say your husband was married before he married you? A Yes, sir.
- Q Who to? A Jan Sanders; she was Sanders before she married him, she goes by the name of Jan Vann, she lives at Fort Smith.
- Q They are separated? A Yes, sir.
- Q You know whether she or your husband got a divorce? A Yes, sir I guess he did.
- Q You have got no proof of that now; he refuses to show that? A No sir, he went to the pen, I guess that divorced him.
- Q How long have you lived in the Cherokee Nation? A I have been here going on 15 years.
- Mr. F. V. Hastings, Cherokee Representative: You living with Jan Sanders? A No, sir.
- Q How long have you been separated from him? A About 3 years; I was up here when they registered the colored freedmen, I was with him in 1886, I lived at Claremore.

Commissioner: Are you married again? A No, sir.
Q But you and him are separated now? A Yes, sir.
Q Did you leave him? A No, sir, he left me, he sent me off,
and I went, said he didn't want me.
Mr. Hastings: You say he had been married before? A Yes, sir.
Q Have you ever been married? A No, sir, just married once; had
one child but it died.

Mr. Hastings: The Cherokee Nation offers in evidence the
decision of the Supreme Court of the Cherokee Nation, of date
June 20, 1871, with reference to the rights acquired by in-
termarried colored persons.

Commissioner: Maggie Vann applies for the enrollment of
herself as a Cherokee Freedman by intermarriage. She presents
satisfactory proof of her marriage to one William Vann in
the year 1895. The name of the said William Vann is identified
upon the authenticated roll of 1880 as William Milton, and he
is duly identified as the William Vann to whom the applicant
was married, according to page and number of the roll as in-
dicated in the testimony. The applicant avers that said Wil-
liam Vann was married to a former wife, who was living at the
time of her marriage to him. She makes no satisfactory proof
as to divorce. Applicant also avers that she separated from
William Vann and hasn't been living with him for the last six
years. She makes satisfactory proof as to residence in the
Cherokee Nation, consequently the application of the said
Maggie Vann for enrollment of herself as an intermarried
citizen will be suspended, and her name will be placed upon
a doubtful card accordingly to await further consideration of
the Commission. She will be notified at her postoffice address
of the action of the Commission in the premises.

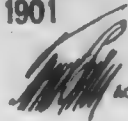
Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 4th of October, 1901.

Bruce C. Jones
[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 8 1901



ACTING CHAIRMAN

290108

8

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visited 27 Oct 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Mary Jane Brown for enrollment as
Freedmen of the Cherokee Nation.

No. F.D. 1062

Louis T. Brown Agent
Agent for applicants

D.C. 20255-1904

Butter, I.T. 6-18 1904

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Hon. Gentlemen:

Referring to your of the 15 inst. will say my
post office address is Butter I.T.

Your truly

(signed) Maggie Vann.

COPY.

Cherokee Freedman
D-1062.

Muskogee, Indian Territory, January 24, 1906.

Maggie Vann,

Sutter, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 17, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your agent, Louis T. Brown, Tahlequah, Indian Territory.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-109.

Register.

(SIGNED)

Tams Dixby
Chairman.

COPY.

Cherokee Freedmen
B-111 et al.

Haskagee, Indian Territory, January 24, 1908.

Louis T. Brown,

Attorney for John Dotson et al.,

Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1908, rejecting, among others, the applications for the enrollment of John Dotson, Dave Morris, Bell Davis, John L. Bowlin, Bettie Book, Elizabeth Duncan, Lula Sanders, Maria French, Maggie Vann, and William Hudson as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-116.

Register.

VSIG

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
J-24 et al.

Muskogee, Indian Territory, January 24, 1905.

Ball, Hastings & Javenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Elia Vann, Mary Mackham, Frances Helton, John Sutton, Mary Jane Vann, Thomas Lowe, Elia Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimo, William S. Hodges, Jane Vann, Albert T. Thomas, Mary Campbell, Caroline Daniels, Nellie Liberty, Jane Morris, Alexander Chaggett, Amelia Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard S. Wilson, Jack McConnell, Mamie Vanlay, George Reed, Sr., Buck Ledman, Hall Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas H. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Kane, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rice, Charles S. Smith, Ogie Gilbert, William Stagg, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie LeMay, Lucy

Charles, Alton Durant, Mahaley Ward, Fred J. Thomas, Bertie Cook,
 Ellis Warren, Millie Robinson, Mary Webster, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Lockin P. Powell, Stephen Dean,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lamb, Jane Brown, Samuel I. Young, John Seaborn,
 Willis Cox, Leonard Davies, Malinda Marshall, Charles Claggett,
 Samuel Irwin, Mary Ross, Maggie Bell, Emma Howe, Ella Ross,
 Elizabeth Dumas, Sadie Mann, Georgianna Archer, John Claggett,
 Hattie Smith, Jack Jackson, Lela Sanders, George Hambrick, Leland
 West, Maria French, Mary Johnson, Maggie Vann, William Edison,
 Sarah Rogers, Abraham Ballant, Laura Davis, John Johnson, John
 B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Smith,
 George Adams, Annie Thomas, Lewis McCombail, Ollie Vann, Lee
 Peters, Ida Blair, Robert Brown, Alice Chambers, Isaac Jones,
 Alice Guster, Katie Blair, Carrie Martin, Margaret Clark, Mary
 Leoney, John Groves, Matilda McMillan, Hattie Vann, Nelson Lamb,
 Pamela Rogers, William Washington, Edwina Warren Jones, Pamela
 Colclough, Susan Daniels, Anderson Turk, David Lamb, John McComb,
 Henderson Jones, Belle Vann, Levi Street, John Sawyer, Myrtle
 Thompson, Ellen Claggett and Lela Walton, as Charles citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The copies of the

RECEIVED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

RECEIVED

SIGNED: *Tarns Dixby*

1902, Feb.

COPY

Cherokee Freedmen
D 24 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Nelson, John Nelson, Mary Jane Vann, Thomas Love, Ella Hartfield, Nellie Rider, Hudson Campbell, Van Jackson Luther, Cassie Klinton, Mary Mathews, Nellie Phillips, John Kinke, William S. Hudson, Sam Ross, Albert F. Thomas, Mary Campbell, Caroline Daniels, Mary Annerty, Kate Morris, Alexander Claggett, Amanda Martin, Ella Mathews, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Thomas, Sam McMinnell, Marie Hanley, George Reed, Sr., Frank Leland, Bell Thompson, Lewis Scott, Abe Scott, Homer Lampton, Thomas F. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Mathis, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Fanny Ross, Charles C. Smith, Susie Galtner, William Skags, Susie Johnson, Alfred P. Hopkins, Fannie Vann, Freddie Lerney, Lucy Chouteau, Alice Durant, Emma Ford, Fred J. Thomas, Nettie Beck, Ellis Warren, Millie Robinson, Mary Weber,

Frances Martin, Mary E. Hilly, Samuel Taylor, Henry Smith, Esther E.
 Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster,
 Mary E. Rogers, George Washington Lane, John Brown, Samuel L. Young,
 John Buckner, Willie Cox, Leonard Bowles, William Marshall, Charles
 Claggett, Samuel Irwin, Mary Ross, Maggie Davis, Emma Ross, Ella
 Ross, Elizabeth Johnson, Sadie Adams, Catherine Smith, John Claggett,
 Hattie Smith, Jack Jackson, Lula Sanders, George Hamilton, William
 West, Maria French, Mary Johnson, Maggie Vann, William French, Sarah
 Rogers, Abraham Ballard, Laura Davis, John Johnson, James E. Berry,
 Isaac Welch, Lawson Logan, George Howell, Henry Smith, George
 Adams, Annie Thomas, Lewis McCall, Callie Vann, Lou Peters,
 Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster,
 Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John
 Griggs, Matilda McVair, Bettie Vann, Nelson Lett, Fannie Rogers,
 William Washington, Squire Warren Owens, Fannie Galloway, Susan
 Daniels, Anderson Turk, David Lane, Felix McClain, Benjamin
 Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson,
 Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-
 marriage, including the Commission's decision dated January 19,
 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tams Dixby.*
 Chairman.

Incl. K-8.

Through the
 Commission of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:

Land.
7906-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberts, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maudie Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas B. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colwart, William Shaga, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Battie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Darkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Stumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

-3-

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,
C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D. C. 20877-1905
I.T.D. 2904-1905

(C O P Y)

W.C.F.
F H E

L R S

DEPARTMENT OF THE INTERIOR
WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, ~~Reuben~~ Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. ~~Burns~~ Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas B. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Du mean
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David
Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud,
John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting on the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen

D-1062.

Muskogee, Indian Territory, April 28, 1905.

Maggie Wann,

Sutter, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Dixie*
Chairman.

COPY.

Cherokee Freedmen

D-1061.

Muskogee, Indian Territory, April 25, 1906.

Louis T. Brown,

Attorney for Maggie Vann,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Maggie Vann as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED: *Tams Bixby*,
Chairman.

COPY

Harold Fredrick

Ball, et al.

Washington, Indian Territory, April 22, 1906

Ball, et al., Washington & Harpersburg,

Attorneys for the Cherokee Nation,

Washington, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 18, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

John Bixby.
Chairman.

COPY.

Sherokee Freedmen

B-12, et al.

Muskogee, Indian Territory, April 25, 1906.

Commissioner in Charge,

Sherokee Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tame Dixie*
Chairman.

Cherokee Freedman
D 1048

Muskogee, Indian Territory, July 14, 1906.

Maggie Vann,

Sutter, Indian Territory.

Dear Madam:

As requested in your letter dated, "5 1906", there is enclosed herewith a copy of the letter addressed to you under date of March 30, 1906, in reference to your Cherokee Freedman enrollment case.

Respectfully,

Encl. H.J.-80.
H.J.O.

Commissioner.

W C.F.S. 1062

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
SEP 25 1901
H. L. E. D.


ACTING CHAIRMAN

Certify that the above statement is
Correct and true.

Rev Seigle Green

Sworn and Subscribed
to before me a Notary
Public of the Northern
District of Indian Territory
this 23-7 September
1901.

Wm J. Henry

Notary Public

My Comm. Expires 12-9-02

Redland IS

Sept 9-22-1901

This is to certify that I
Rev. Seigle green did duly
an accordin to Law Solem-
- nize the rites of matrimony
Between Mr William Van and
Miss Maggie Craig; on the -
- 21st day of December in the year
of Our lord A.D. 1893; in the
Presence of
Wm J. A. Miller

And Several others as witnessed
My Credentials are Recorded
in the United States of America
in the Indian territory first judicial
division Kartham District in
Book A. Page 57. I.

Rev. Seigle green do here - -

Certify that the above statement is
Correct and true.

Ben Seigle Green

Sworn and Subscribed
to before me a Notary
Public of the Northern
District of Indian Territory
this 23-7 September
19-1.

Wm D Henry


Notary Public

My Comm Expires 12-7-1904

60

FD 1062

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 25 1901


ACTING CHAIRMAN.

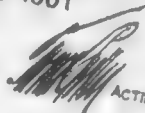
NOTE:—"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 25, 1901."

"Haywood Youngblood, Sequoyah District."

J. T. Parks
Executive Secretary of Cherokee Nation.

710106
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date *Sept 25 1901*
 Post Office *Redland Ind. Tenn*
 District *Seymour al*

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Maggie Vann

Age *28*

Owner's name

Citizenship

Year

X X X X

Page

X X

No.

X X

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

DOUBTFUL

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

no 1

Stenographer

B. C. Jones

Applicants claim by intermarriage

Represented by Lewis T. Brown
agent, Santa, D. T.

4- J.W. 1001
Submitted to the Board of Directors

FILED
MAR 24 1902

[Signature]
CHAS. H. BROWN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vann,
Mary Martin,
Frances Menden,
John Dotson,
Mary Jane Vann,
Thomas Howe,
Ella Myranda,
Sattie Eiden,
Redden Campbell,
Vad Jackson Luther,
Cecile Hamilton,
Mary Hume,
Nelle Hume,
John Hume,
William S. Stadden,
Jesse Deal,
Robert T. Thomas,
Mary Chapman,
Gertrude Banters,
Michael Annelly,
Dora Moore,
Alexander Chappett,
Amanda Martin,
Ella Martin,
John E. Barnes,
Belle Davis,
Samuel Brown,
Howard F. Watson,
Jack McCowan,
Nelle Henry,

Cherokee Freedmen D-141,
Cherokee Freedmen D-142,
Cherokee Freedmen D-143,
Cherokee Freedmen D-144,
Cherokee Freedmen D-145,
Cherokee Freedmen D-146,
Cherokee Freedmen D-147,
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Cherokee Freedmen D-200,

Section 104.10

Cherokee Freedmen D—382,
Cherokee Freedmen D—406,
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Cherokee Freedmen D—736,
Cherokee Freedmen D—741,
Cherokee Freedmen D—742,
Cherokee Freedmen D—743,
Cherokee Freedmen D—752,
Cherokee Freedmen D—753,
Cherokee Freedmen D—760.

Samuel L. Young,
John Backus,
Willie Cox,
Leonard Bowles,
Mildred Murrell,
Charles Claggott,
Samuel Irven,
Matty Ross,
Maggie Nave,
Neoma Nave,
Ellis Eats,
Elizabeth Duncan,
Sadie Adams,
Georgina Archer,
John Claggott,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Linnie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Mack,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Alie Chambers,
Isam Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D-761,
Cherokee Freedmen D-760,
Cherokee Freedmen D-761,
Cherokee Freedmen D-767,
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Cherokee Freedmen D-973,
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Cherokee Freedmen D-1062,
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Cherokee Freedmen D-1082,
Cherokee Freedmen D-1085,
Cherokee Freedmen D-1105,
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Cherokee Freedmen E-104,
Cherokee Freedmen E-105,
Cherokee Freedmen E-106,
Cherokee Freedmen E-107,

Benjamin Clark,
 Ethily Looney,
 John Groves,
 Matilda McNair,
 Bettie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lane,
 Felix McClain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Mariah Thompson,
 Ellen Sheppard,
 Lula Melton,

Cherokee Freedmen R—108,
 Cherokee Freedmen R—110,
 Cherokee Freedmen R—112,
 Cherokee Freedmen R—117,
 Cherokee Freedmen R—122,
 Cherokee Freedmen R—125,
 Cherokee Freedmen R—130,
 Cherokee Freedmen R—141,
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 Cherokee Freedmen R—148,
 Cherokee Freedmen R—153,
 Cherokee Freedmen R—165,
 Cherokee Freedmen R—173,
 Cherokee Freedmen R—181,
 Cherokee Freedmen R—196,
 Cherokee Freedmen R—211,
 Cherokee Freedmen R—220,
 Cherokee Freedmen R—237,
 Cherokee Freedmen R—247.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Francis Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Benton Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Oattie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William H. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband; Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Matilda Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Keader Langston for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mattie Johnson for her husband, Adam Johnson; by Joseph Vann for his wife, Martha Vann; by John Host for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellie Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Best for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armistead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nanny Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Olfie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Malinda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Biley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Daws, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irlen, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Feltz McClain, Henderson Jones, Belle Vann, Levi Steward, John Sampson, Mariah Thompson, Elmer Sheppard and Lela Maiten, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1906, (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] O. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1906.

Cher. Fr. R. 798

Trans from Cher Fr. D 1063

Cher. Fr. R. 798

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., July 2, 1901.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

Judy Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Judy Chambers.

Q How old are you? A I don't know how old I am, I was a girl time of the war.

Q What is your postoffice? A Benge.

Q What district do you live in? A Sequoyah.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A My children.

Q How many have you got? A I have seven.

Q Well, give me the names of your children? A Rufus Warren.

Q How old is he? A Well, he was born in time of the war, I don't know my children's ages.

Q He is of age? A Yes, sir.

Q I want the children under age and not married? A Oh well now Dennis.

Q How old is Dennis? A About 14 or 15 as near as I can guess.

Q What is the next one? A Annie.

Q How old is Annie? A I can't hardly tell you how old she is, about 12 or 13.

Q What is the next one? A That is all, just only two under age.

Q You have got five married then? A Yes, sir, the oldest one that I have got isn't married.

Q Have you got any witnesses here? A Yes, sir.

Q Who are they? A Uncle Nelson Murrell and Ben Grinnett and Dennis Bean.

Q Your name on any of the rolls of the Cherokee Nation? A Yes, sir.

Q What roll? A I went to all the enrollments, but I never drawed any money only on the Wallace roll.

Q Are you married? A No, sir, not now.

Q Were you ever married? A Yes, sir.

Q How many times? A I have been married twice.

Q What was your first husband's name? A Warren, belonged to some people named Little.

Q Did he have any other name besides Warren? A That is all the name I ever heard.

Q Not John, or anything? A No, sir, just Warren.

Q Is he living? A No, sir, he is dead, I am a widow woman.

Q What was your second husband's name? A His name was Columbus.

Q Columbus what? A Columbus Gilbreath.

Q Is he living? A No, sir, he is dead.

Q Who is the father of Dennis? A Ben Payton.

Q Never was married to him at all? A No, sir.

Q What is Dennis' name? A Dennis Payton.

Q Who is the father of Annie? A Annie Johnson, her father was Albert Johnson.

Q Never married to him either? A No, sir.

Q Have you got any children by any of your former husbands? A Yes, sir, Rufus Warren, he is here to speak for himself.

Q Were you a slave? A Yes, sir.

Q Who did you belong to? A Sam Chambers.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out during the war? A No, sir.

Q Never been out of the Cherokee Nation? A No, sir.

Q Always lived in the Cherokee Nation? A Yes, sir.

Q Why isn't your name on the roll of 1880? A I don't know, sir, I think I was attending court and didn't get there.

Q Sam Chambers was your master? A Yes, sir.

Q Where were you born? A Sam Chambers'.

Q You have never been out of the Cherokee Nation in all your life?

A No, sir.

Q Never lived out of it? A No, sir.

Mr. W.W. Hastings, Cherokee attorney: You were sold out of here before the war though? A No, sir.

Q You know a man named Gilbreath? A Yes, sir, I know a man named Gilbreath.

Q He lived in Arkansas? A No, sir, lived close to old man Chambers.

Q He was a white man? A No, sir.

Q Sam Chambers sold you to Gilbreath before the war? A No, sir, never belonged to anybody named Gilbreath in my life.

Q Sam Chambers never sold you before the war? A No, sir.

Q Now where did Sam Chambers live? A Sam Chambers lived in Flint district close to Clear or Spring.

Q He was the father of Boon, or L. D. Chambers; you know Boon Chambers? A Yes, sir, he and Boon Chambers sucked mothers at the same time.

Q He was your young master? A Yes, sir, and Anderson Chambers and Ben Chambers and Bill Chambers.

Q They were your young masters? A Yes, sir.

Q You knew them when the war came up? A We were all together.

Q Living on the same place when the war came up? A Yes, sir.

Q Now who did you stay with during the war? A First one and then another, sometimes Peggy Woodall and sometimes Pelly Cornsilk, and sometimes I was at Mrs. Quinton's, first one place and then another, didn't have no particular home when I was turned out, I didn't know where to go, I had to go with some because I was left by myself.

Q Where did the first of the war find you? A Found me up close to Mrs. Quinton.

Q Was that in Flint district? A No, sir, in Going Snake.

Q How long did you live there after the war? A Been there all the time until about 13 or 14 years ago I moved in Sequoyah district.

Q That is the first time you ever saw Dennis Bean? A No, sir, Dennis Bean stayed to our house all the time.

Q Before the war? A No, sir, not before the war, his mother knew me all her life.

Q When did you first meet him, how long after the war? A I can't tell just exactly when.

Q About how long after the war? A I reckon about three or four years after the war.

Q Where did you first see him? A I was at Adaline Johnson.

Q That was in Sequoyah district? A No, sir, in Flint.

Q That was the first time you saw him? A Yes, sir, since the war.

Q You never saw Dennis before the war at all? A No, sir, that is right, if I saw him I don't recollect it.

Q When did you see Uncle Ben Grinnett after the war? A I saw him off and on all the time, but I can't tell you exactly what time I saw him after the war.

Q About what time after the war? A I can't tell you, because I wasn't studying about any such.

Q Where was the first place you saw him after the war? A I think the first place must have been Tahlequah when we were there to draw the bread money.

Q That was your first recollection? A Yes, sir.

Q Where did you see Murrell first after the war? A It was at a camp meeting time.

Q Where at? A They called it Bethel Camp Ground.

Q That was after the war? A Yes, sir.

Q How long after? A Two or three years after the people got civilized.

Q Had you ever seen him before the war? A Yes, sir.

Q Where at? A At Mr. Chambers' place.

Q How long before the war? A I was just a little girl, and I

don't know nothing about it, I don't know nothing about the war when it was on.

Taking of testimony continued by Stenographer Wm. J. Jones.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this 16th of July, 1901.

Signed, F. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 24, 1901.

In the matter of the application of July Chambers for the enrollment of herself and two children.

Continued from Stenographer Bruce C. Jones.

Nelson Marshall, called and sworn as a witness for the applicant by Commissioner F. B. Needles, testified as follows:-

Q What is your name? A Nelson Marshall.

Q What is your age? A About 70.

Q What is your postoffice address? A Coffeyville.

Q Do you know the applicant? A Yes sir.

Q How long have you known her? A Ever since she was a girl.

Q Who owned her before the war? A Sam Chambers.

Q Was he a Cherokee citizen? A Yes sir.

Q Was she taken out of the Cherokee Nation during the war? A I don't know.

Q When did you first see her after the war? A '87.

Q What part of '87? A The first of March at Fort Smith Arkansas.

Q When did you next see her? A To the Wallace Court.

Q When next? A Here.

By W. V. Hastings, Cherokee representative:-

Q What were you doing at Fort Smith when you saw her first? A I was a witness in the United States court.

Q In what case? A I don't know.

Q What was the charge? A I don't know.

Q Don't you know the man's name against whom the case was had? A No sir I forget.

Q And that was in March of 1887? A Yes sir, if my memory serves me right.

Q But you can't remember the case? A No sir.

Q You don't know what the man was charged with? A Yes sir I think it was stealing a horse.

Q Was he indicted before the Federal court there? A Yes sir.

Q For something that he had done up in this country? A Yes sir.

Q How far did you live from this woman before the war? A Three miles.

Q What was her mother's name? A Vicky Chambers.

Q How long before the war did you see her? A 10 years.

Q And at that time she belonged to Sam Chambers? A Yes sir.

Q Did he sell her at the time the war came up? A I don't know.

Sam Grinnett called and sworn as a witness for the applicant.

Q What is your name? A Sam Grinnett.

Q What is your age? A 68.

Q What is your postoffice address? A Nowata.

Q Do you know this applicant? A Yes sir.

Q How long have you known her? A Ever since she was a baby.

- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Sam Chambers.
- Q When did you first see her after the war? A I haven't seen her since two years ago.
- Q Was that the first time you saw her since the war? A Yes sir.
- Q How do you know that it is the same woman you saw before the war?
- A I know it.
- Q Was she a baby in arms when you first saw her? A No sir she was a baby so high (indicating).
- Q And you can tell that this is the same person whom you saw as a baby before the war? A Yes sir.
- Q Do you know that she lived there with Sam Chambers as his slave when the war came up? A Yes sir.
- Q Where did Sam Chambers live then? A In Flint district.
- Q And this woman was living with him? A Yes sir.
- Q Sam was Sam Chambers' father? A Yes sir.
- By the commission-
- Q Is you saw a baby 22 years ago and was to see her to-day, you would know her at once would you? A If she was that size I would.
- By Hastings-
- Q You are the same fellow that was whipped for stealing at Tahlequah? A I don't know anything about it.
- Q Were you or were you not that fellow? A I won't tell you anything about it.

DENNIS BEAN called and sworn as a witness for the applicant-

- Q What is your name? A Dennis Bean.
- Q What is your age? A 42 I guess.
- Q What is your postoffice address? A Muldrow.
- Q Do you know the applicant? A Yes sir.
- Q How long have you known her? A I have known her ever since '71
- Q Where did you know her then? A In Flint District.
- Q Did you know her before that? A No sir.
- Q Do you know if she was a slave? A No sir.
- Q Do you know if she was taken out of the Cherokee Nation during the war or not? A No sir I don't.

Applicant not found on the 1880, 1896 or Kern Clifton rolls. Wallace roll examined and applicant found as follows-
Page 106 No. 2284, Judy Chambers, Sequoyah district.
Page 106 No. 2289, Dennis Paden, " "

- Q Where was Dennis born? A In Flint district Cherokee Nation.
- Q Where was Anna born? A In Sequoyah district.
- Q What are the names of your other children? A Rufus Warren and Cynthia Johnson, Dave, his name is Joe but we call him Dave.
- Q Joe what? A West.
- Q He is not a son of either one of your husbands? A No sir.
- Q What is the next one? A Pellie Paden.
- Q Is she married? A Yes sir.
- Q What is her name now? A None.
- Q Is Rufus a son of either one of your husbands? A Yes sir of the first one.
- Q What is the next one named? A Gilbreath London.

By Com'r Needles- Judy Chambers applies for herself and for two children Dennis Paden and Anna Johnson, whom she avers are her children. She is not identified on any of the rolls except the Wallace roll, her child Dennis Paden is also identified on the Wallace roll. Anna Johnson is not identified on any roll. She avers that she was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the war and returned in 1866. She and her two children named herein

named herein will be listed for enrollment as Cherokee freed-
men on a doubtful card. It will be necessary for her to file
proof of birth as to her daughter Anna Johnson.

Chas. von Weise, being sworn states that as stenographer to the
Commission to the Five Civilized Tribes he reported in full all the
proceedings of the above cases and that the foregoing is a full, true
and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 18th day of July, 1901.

Signed, T. B. Needles,

Commissioner.

Bruce M. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true copy from the originals.

Bruce M. Jones

Sworn to and subscribed before me this the 18th of November, 1901.

McD Green
Notary Public.

Q. That is how you know it? A. They were always considered that
and Bill Garbage told me his half sister was a white woman and his
brother-in-law was a white man.

Q. Couldn't he have been a resident of the State of Arkansas but
not a citizen? A. Well, he might have been, but they were presumed
to be white.

Q. All you know of this sale is what you heard? A. No, what she
had told me.

Q. That she told you? A. I told me she had sold to that fellow
that she told me that? A. In '71 or '8.

Q. Where did you hear that? A. At her old master's house in Washington.

Q. How long was the conversation to come up? A. I stopped there quite
a while. I think it was in the fall of the year. I wanted to know, I
had some friends been a bill, and after I went in the house and
saw what was there, I said Judy I want my supper. I had been her from a
girl, and she gave me my supper, and we got to talking and I says,
where did Uncle Sam Chambers sell you, and she said, right here to
this man.

Q. You say she was sold eight years before the war began? A. Seven
or eight years.

Q. How long was it from the time you say she was sold until you
saw her again in Washington County, Arkansas? A. Give me a pencil
and I will soon tell you, and a piece of paper, because I don't
figure it. It will be about 17 years after she was sold I believe
that I saw her.

Q. About how old was she then? A. Well, when she lived with my
father and my stepmother, she was about 12 or 13 years old, that was
along in '54 or '5, now I can't count from then down to then I

guess, you are a lawyer, I guess you can count that over for me.

Q. There is no place with her name?

A. Brown. Did she say that? Q. I asked her where she had been
living ever since she had been sold, as old acquaintances.

Submission: This testimony is to be filed in the following
the Sherkey Freedom Cases, No. 1004, Judy Chambers. D-16,
Polly Brown, D-1024, Susan Warren.

W. C. Jones, being duly sworn, says that he stenographer to
the Commission to the Five Civilized Tribes he personally recorded the
proceedings and testimony in the above cases, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 10th of November, 1907

Notary Public

File with Cherokee Freedman D-1065, Clark Dannenberg.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 30, 1901.

In the matter of the application of Judy Chambers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

L. T. Brown, agent for applicant;
W. F. Hastings, of counsel for Cherokee Nation.

H. D. Chambers, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. D. Chambers.

Q How old are you Mr. Chambers? A Well I am supposed to be 58 or 59.

Q What is your postoffice? A McKee.

Q What was your father's name? A Samuel Chambers.

Q Where did your father live before the war? A He lived in Flint District.

Q Cherokee Nation? A Yes, sir.

Q You are a Cherokee citizen by blood, are you? A Yes, sir.

Q You are sometimes known as Boon Chambers, a nick-name? A Yes, sir.

Q Did your father, Sam Chambers, ever own a colored girl by the name of Judy? A Yes, sir.

Q What became of Judy? A Well, she was sold before the war to some parties living over towards Cane Hill.

Q Where is Cane Hill, what state? A It is over in Arkansas, east of Flint District where I lived.

Q How far did you live from the state line? A I suppose 12 or 13 miles.

Q How long before the war was that? A Well, the best I can recollect, it must have been some seven or eight years before the war.

Q You remember to whom she was sold? A No, sir, I can't place the place, I can't remember the name, of the party that bought her and taken her over the line.

Q You say they were living over the line? A Yes, sir.

Q Over in Arkansas? A Arkansas, Cane Hill, somewhere in the neighborhood of Cane Hill there.

Q Did your father own her at the time the war came up? A No, she was done sold.

Q Well, he never rebought her, never repurchased her? A No, sir.

Q He never owned her then? A No, sir.

Q Did you ever see her after the war? A No, sir, I never have met up with her, I have heard of her.

Q You don't know anything about her whereabouts? A No, sir, I don't.

Q To whom did Judy Chambers belong before your father came into possession of her? A Well I don't know, I think she was born somewhere about the place there.

Q Then she belonged to your father from birth up to the time you say he sold her? A Yes, that is my best knowledge of it.

Q You don't know to whom she was sold? A I can't remember the name, I can't remember the party that bought her.

By L. T. Brown: How much amount of money your father received for her? A No, sir.

Q Were you present when the sale was made? A I was there at home, yes.

Q There in the room? A Yes.

Q Right there when the sale was made? A I was on the place when she was taken off.

Q You don't know anything about how much he received for her? A No, sir.

Q Don't know who he sold her to? A I can't remember the man's name that bought her.

Mr. Hastings: Do you know whether the person that bought her was a Cherokee or a white man? A Well, I can't say that, Mr. Hastings, she was taken and taken over the line and she never returned any more.

Q That is all you know about it? A That is all I know.

Q You don't know who he was? A No, sir.

Q You don't know what he was? A No, sir.

Q Where did you see her for the first time after you claim she was taken over the line? A I never saw her to this day; if I have I didn't know her.

That's all I can say, concerning her, and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Sam King.

Q What is your age? A I will be 55 in March.

Q What is your postoffice? A Teshiequah.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q You know this witness here, Sam Chambers, L. D. Chambers?

A Yes, sir.

Q Did you know his father, Sam Chambers? A Yes, sir.

Q Did you know a colored woman he once owned by the name of Judy?

A Yes, sir.

Q How long did you live with Sam Chambers before the war? A Before the war, different times, one time we lived in about three quarters of a mile.

Q Do you know that because of Judy? A They sold her across in the states to a man that Bill Hastings just a while ago told me his name but I have forgot it already.

Q You think his name was Gilbert? A Well, it is Bill Hastings's uncle.

Q You don't remember the name yourself? A No, sir.

Q You remember it now? A I don't know how long I could remember it.

Q Well, what was his citizenship, United States or Cherokee? A The one that bought her, citizenship was Washington County, Arkansas.

Q Did you ever see Judy Chambers after the war? A Yes, sir.

Q About when was that? A It was either in '72 or '73 there at the man's place bought her, living on his place.

Q In Arkansas? A In Arkansas, I eat my supper there with her.

Q Was she still there with them? A I eat my supper there with Judy.

Q This woman was still there? A Yes, sir, she had three children at the time.

Q What was their names? A She never told me their names, she said, there is my three children.

By D. T. Brown: What is the nearest postoffice to this place in Washington County, to this man's residence where you ate supper?

A I don't understand you.

Q That is this man's postoffice that you say bought Judy Chambers?

A Why I have never inquired the postoffice.

Q What is the nearest place around there? A To my knowledge, is Cape Hill, the nearest place around there.

Q Then you say she was sold about how long before the war? A 7 or 8 years before the war as well as I remember.

Q You remember how much Mr. Chambers got for her? A No, sir.

Q Did you see the money counted over? A I wasn't there.

Q You wasn't there? A No, I just heard it rumored as had sold her.

By T. Brown: Agent for the applicant desires to ask

that the testimony of this witness be stricken out, on the ground that it is purely hearsay.

Q For this man to whom she was sold, you say he was a citizen of the State of Arkansas? A Yes, sir, Washington County.

Q How do you know it? A Why he was living there, both were whites.

Q. That is how you know it? A. They were always considered that and Bill Burnard told me his half sister was a white woman and his brother-in-law was a white man.

Q. Could he have been a resident of the State of Arkansas and not a citizen? A. Well, he might have been, but they were presumed to be white.

Q. All you know of this sale is what you heard? A. No, what she had told me.

Q. What did she tell you? A. Told me she was sold to that fellow.

Q. What did she tell you that? A. In '72 or '8.

Q. Where at? A. At her old master's house in Washington County.

Q. How long the conversation to come up? A. I stopped there quite a while. I think it was in the fall of the year. I wanted to warn, I had come from Dick Dean's Mill, and after I went in the house and seen what it was, I said Judy I want my supper. I had knew her from a girl, and she gave me my supper, and we got to talking and I says, where did Uncle Sam Chambers sell you, and she said, right here to this man.

Q. You say she was sold eight years before the war began? A. Seven or eight.

Q. How long was it from the time you say she was sold until you saw her again in Washington County, Arkansas? A. Give me a pencil and I will soon tell you, and a piece of paper. (Witness does some figuring.) It will was about 17 years after she was sold I believe that I seen her.

Q. About how old was she then? A. Well, when she lived with my father and my stepmother she was about 12 or 13 years old, that was along in '53, now you can count from then down to then I guess, you are a lawyer.

Mr. Hastings: Did she say where she had been living over there when you saw her in '72 or '8? A. She had been living right there at that place with her old master.

H. T. Brown: Did she say that? A. I asked her where she has been living ever since she had been sold, as old acquaintances.

Commission: This testimony is to be filed in the following Cherokee Freedmen Cases: 35-1014, Judy Chambers; D-1016, Polly Rowel D-1024, Rufus Warren.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of November, 1901

W. D. Linceum
Notary Public.

COMMISSION TO THE
DEPARTMENT OF THE
INTERIOR

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Commissioner: The attorney for the applicant prays that the testimony taken in the matter of the enrollment of Judy Chambers be a part of the record in the case at bar, and a certified copy thereof be filed herewith, said Judy Chambers having been listed for enrollment on card E-1014.

JUDY CHAMBERS being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Judy Chambers.
Q Do you know his wife, Easter? A Yes, sir.
Q Know whether they were married or not? A Yes, sir.
Q How do you know that? A They were married right there at home, right at Nancy Sturge and we all went to the wedding.
Q Were you at the wedding yourself? A Yes, sir.
Q Who married them? A Mr. Pined.
Q Is he a minister? A Yes, sir.
Q Know where he lives now? A Yes, sir, lives right in about half a mile of me.

Commissioner: Clark Dannenberg applies for the enrollment of himself and his child, Essie. He cannot be identified upon the authenticated roll of 1830 or the census roll of 1886 or upon any roll except the Wallace roll, where he is identified according to page and number of the roll as indicated in the testimony. He avers that he is the son of Judy Chambers, who is listed for enrollment on D. card 1014, and claims his citizenship through said Judy Chambers. He makes satisfactory proof as to his residence. By reason of the fact that his name is not on the roll of 1830, he cannot be listed for enrollment as a Cherokee freedman upon a faithful card. It will be necessary for him to make satisfactory proof of the birth of his child, Essie, and also it will be necessary to furnish a certificate of his marriage.

George C. Jones, being duly sworn, says that as stenographer to

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Clark Dannenberg for the enrollment of himself and one child as Cherokee Freedmen.

Appearances:

L. T. Brown, agent for the applicant;

W. W. Hastings, of counsel for Cherokee Nation.

Clark Dannenberg, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Clark Dannenberg.
Q How old are you? A I don't know, sir.
Q What is your postoffice address? A Benge.
Q What district do you live in? A I live in Sequoyah district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and one child.
Q What is its name? A Essie.
Q How old is she? A 2 years old about.
Q What is your father's name? A Henry Dannenberg.
Q What is your mother's name? A Judy Chambers.
Q Are you married? A No, sir, I have been married.
Q Is your wife living? A Yes, sir.
Q What is her name? A Easter Dannenberg.
Q Is she a citizen? A Yes, sir.
Q A freedman? A Yes, sir.
Q Has she been listed for enrollment by the Commission? A No, sir, I don't think she had, she is up here now.
Q Is she going to apply, enroll? A Yes, sir.
Q The child living with her? A No, sir.
Q Where is the child living? A It is living with me, my mother has got it.
Q You and your wife not living together? A No, sir.
Q Any proof of ~~six months~~ marriage to your wife? A Not any more than my mother and folks saw me married.
Q Were you ever married before? A No, sir.
Q Was she ever married before, your wife? A No, sir.
Q Essie then is your child by your wife, Easter? A Yes, sir..
Q Don't your wife have control of this child, the custody of it? A No, sir, it is with my mother, she haven't got it.
Q She ever have it? A Yes, sir.
Q I mean after you were separated did she ever keep it? A Yes, sir.
Q How long has it been with your mother? A It has been with her about three or four months.
Q If your wife going to get it back? A No, sir, I don't think she wants it.
Q Your name on any of the rolls of the Cherokee Nation? A Yes, sir.
Q What roll? A It is on the Wallace roll.
The 1880 authenticated roll and the 1898 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.
The Wallace roll of Cherokee Freedmen examined and the applicant ~~name~~ Clark Dannenberg identified thereon, Page 106, No. 2267, Sequoyah district, as Clark Dannenberg.
Q Did you draw what is known as the strip money, the Kern money? A No, sir.
Q Did you apply? A Yes, sir.
Q Where were you born? A Invas born in Flint district.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Is this child living at this time, this child Essie? A Yes, sir.
Q You claim your citizenship through your mother? A Yes, sir.
Q Judy Chambers? A Yes, sir.

Commissioner: The attorney for the applicant prays that the testimony taken in the matter of the enrollment of Judy Chambers be made part of the record in the case at bar, and a copy thereof filed herewith, said Judy Chambers having been listed for enrollment on card B-1014.

JUDY CHAMBERS, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Judy Chambers.
Q You know Clark Dannenberg? A Yes, sir, he is my son.
Q Do you know his wife, Ester? A Yes, sir.
Q Know whether they were married or not? A Yes, sir.
Q How do you know that? A They were married right there at home, right at Nancy Starrs and we all went to the wedding.
Q Were you at the wedding yourself? A Yes, sir.
Q Who married them? A Mr. Fines.
Q Is he a minister? A Yes, sir.
Q Knew where he lives now? A Yes, sir, lives right in about half a mile of me.

Commissioner: Clark Dannenberg applies for the enrollment of himself and his child, Essie. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1890 or upon any roll except the Wallace roll, where he is identified according to page and number of the roll as indicated in the testimony. He avers that he is the son of Judy Chambers, who is listed for enrollment on D. card 1014, and claims his citizenship through said Judy Chambers. He makes satisfactory proof as to his residence. By reason of the fact that his mother's citizenship is doubted, the said Clark Dannenberg will be listed for enrollment as a Cherokee Freedman upon a doubtful card. It will be necessary for him to make satisfactory proof of the birth of his child, Essie, and also it will be necessary to furnish a certificate of his marriage.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 6th of October, 1901.

Commissioner.

Q You don't remember meeting me 117 years ago? A I remember seeing you here.

Q You remember what you told me then? A No, sir.

Q Any of it? A No, sir, I can't tell you, I might tell you some of it though.

Q You do not undertake to tell conversations you had with people 25 years ago, do you? A No, sir, because I can't.

Q Especially when there are strangers passing along? A Yes, sir.

Q How many children? A Two, sir.

James C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Given in the substance of the above on this the 4th of October, 1901.

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Continued.

File with Cherokee Freedmen, D- 1068, Clark Dannenberg.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 25, 1901.

In the matter of the application of Judy Chambers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the applicant.

L. T. Brown, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Others show the Cherokee Nation and protests against the examination of this witness, for the reason that she was examined in 1871 before upon all the three points in issue, namely, as to her ownership prior to the war, her return after the war, and her continuous residence since, and this is only a repetition of the testimony brought out in the first place, and that the Cherokee Nation has only offered evidence against these three points originally brought out by the applicant herself.

Commissioner (to agent) that do you want to examine her on?

L. T. Brown: The gentleman testified the other day that he had a conversation with this lady, and I want to show whether he did or not.

JUDY CHAMBERS, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: What is your name? A Judy Chambers.

Q Are you the applicant in this case? A I am, yes, sir.

Q Do you know a man by the name of Ben King? A No, sir, I don't.

Q Did you ever have a conversation anywhere in the State of Arkansas with a man by the name of Ben King, in which you stated that you had been sold to a citizen of the State of Arkansas a few years before the war and had lived in the State of Arkansas up until that time?

A No, sir.

Q Were you anywhere in the State of Arkansas during the year 1874?

A No, sir, I wasn't.

Mr. Hastings: You know Ben King, don't you? A Yes, sir.

Q You knew him before the war? A Yes, sir, he was my young master.

Q You claim to belonged to his father? A Yes, sir, he was my young master.

Q You don't deny that? A No, sir, I don't, don't deny that I was a slave.

Q Did you ever live in Cave Hill, Arkansas? A Yes, sir, I was there and cooked.

Q Who for? A Mr. McCelland.

Q Charley McCelland's outfit? A His father.

Q You knew him then before the war? A No, sir, it was after the war.

Q How long did you cook for him? A Five years.

Q Did you ever know a man over there by the name of Gilbreath?

A No, sir.

Q Never heard of him? A No, sir.

Q Or Gilbert? A No, sir.

Q Never heard of them? A No, sir, never heard of them at all.

Q You know Ben King? A No, sir.

Q You remember everybody you saw 25 years ago? A No, sir, I don't.

Q Lots of people you saw last year you don't know; don't know lots of people you talked to last year, you don't know? A That is right.

Q You don't know what you said to me five years ago? A No, sir, I don't.

- 2 -

Q You don't remember meeting me five years ago? A I remember seeing you here.
Q You remember what you told me then? A No, sir.
Q Any of it? A No, sir, I can't tell you, I might tell you some on it though.
Q You do not undertake to tell conversations you had with people 25 years ago, do you? A No, sir, because I can't.
Q Especially when there are strangers passing along? A Yes, sir.
Q H. F. Brown? Have you any child on? A Yes, sir.

Ernest C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Ernest C. Jones

Sworn to and subscribed before me this 4th of October, 1901.

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Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Judy Chambers, et al., as Cherokee Freedmen, consolidating the
applications of

Judy Chambers, et al.,	Cherokee Freedmen D 1014
Rufus Warren,	" " D 1024
Clark Dannenberg, et al.,	" " D 1033
Joe West, et al.,	" " D 1044

D E C I S I O N .

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Judy Chambers for herself and her minor children, Dennis Paden and Annie Johnson; by Rufus Warren for himself; by Clark Dannenberg for himself and his minor child, Bessie Dannenberg; and by Joe West for himself and his minor children, George and Bessie West.

The evidence shows that the principal applicant, Judy Chambers, was born prior to the commencement of the rebellion, but it does not appear that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence shows that all the other applicants herein are her descendants born since the commencement of the rebellion and have no rights to enrollment except as such descendants. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark Dannenberg, Bessie Dannenberg, Joe West, George West and Bessie West as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1906 (34 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Samuel Kirby

CHAIRMAN.

(SIGNED)

J. H. Woodie

COMMISSIONER.

(SIGNED)

J. H. Woodie

COMMISSIONER.

(SIGNED)

Samuel Kirby

Waukegan, Indian Territory,
this 24th day of March 1904.

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COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Winter 23 O & 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Isabel Samuels et al for enrollment as
Freedmen of the Cherokee Nation.

No. F.D. 1063

Louis T. Brownell
Agent for applicants

COPY.

Cherokee Freedmen
D-1014.

Mustang, Indian Territory, March 19, 1904.

Louis T. Brown,

Agent for Judy Chambers et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Judy Chambers et al., rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Clark and Essie Dannonberg, Joe, George and Bessie West as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Brookbridge.

Register.

Commissioner in Charge.

Enc. D-15.

COPY.

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, March 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Judy Chambers et al., rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dennenberg, Joe, George and Bessie Vest, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Brackinridge.

Enc. D-14.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-1023.

Muskogee, Indian Territory, March 19, 1904.

Clark Dannenberg,
Benge, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Essie Dannenberg, as Cherokee freedmen. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Register.

Commissioner in Charge.

Enc. D-11.

Re: in Reply
to the following:
Land
1944-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 21, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 13, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Judy Chambers for herself and her minor children, Dennis, Paden and Annie Johnson, by Rufus Warren for himself, by Clark Dannenberg for himself and his minor child, Essie Dannenberg, and by Joe West for himself and his minor children, George and Bessie West.

March 11, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Judy Chambers, was born prior to the beginning of the war of the rebellion, but it is not clearly established that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion. All of the other applicants are her descendants born since the beginning of the war and have no rights to enrollment except as such descendants.

-2-

None of the names of the applicants is found on the 1890 authenticated Cherokee roll. The applicants, Judy Chambers, Dennis Paden, Rufus Warren, Clark Dannenberg and Joe West are identified on the Ballase roll and Joe West is also identified on the Kern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonnes
Acting Commissioner.

M.H.H.

D.B. 4538-1904

I.F.D. 7602-1904.

(COPY)

DEPARTMENT OF THE INTERIOR

WASHINGTON

W.D.P.

S.F.

W.D.

L.B.S.

October 29, 1904.

Commission to the Five Civilized Tribes,

Atokogee, Indian Territory.

Gentlemen:

March 19, 1904, you transmitted the report in the consolidated Cherokee Freedmen case of Judy Chambers, et al. (F.D.-1014 et al), including your decision of March 11, 1904, rejecting the application for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Pannenberg, Joe, George and Bessie West.

On July 19, 1904, the Department received a petition, signed by Rufus Warren, requesting a rehearing in the matter, alleging newly discovered evidence. The petition fails to show, however, that the evidence which the petitioner desires to submit would not have been procured by due diligence at the original hearing. The petition alone is insufficient to justify the Department in remanding the case to you for further hearing, it not being supported by affidavits.

Reporting September 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed)

Thos. Ryan

Acting Secretary

1 Inclosure.

COPY.

Cherokee Freedmen
D-1063.

Muskogee, Indian Territory, October 30, 1904.

Clark Dannenberg,

Benge, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself and your minor child, Essie Dannenberg, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on October 30, 1904.

Respectfully,

(SIGNED). *Jame Bixby.*
Chairman.

COPY.

Charkee Freedmen
B-1816 et al

Muskogee, Indian Territory, October 29, 1904

Louis T. Brown,

Attorney for Judy Chambers, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the applications for the enrollment of Judy Chambers, Dennis Faden, Annie Johnson, Clark and Essie Dannerberg, and Joe, George and Bessie Vest, as Charkee Freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Jame Bixby*
Chairman

COPY

Charlene Drexler
D-1244 of al.

Mustang, Indian Territory, October 29, 1904

Will, Hastings and Danforth,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's Re-
sision dated March 11, 1904, rejecting the Applications for
the enrollment of Rudy Shabers, Randy Paden, Annie Johnson,
Clara and Maggie Cunningham, Joe, George and Bertha West, and
Rufus Warren, as Cherokee Indians, was affirmed by the
Secretary of the Interior on October 29, 1904.

Respectfully,

(SIGNED) *Tanne Bixby*
Commissioner.

10
IN RE

Application for Enrollment of

INFANT CHILD

Essie Dannenberg
as a citizen of

Cherokee Nation.

Approved *Sept 26* 1901

C. R. Neeshin
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 26 1901

[Signature]

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Essie Dannenberg, born on the 8 day of November, 1898
(Here insert name of child)
Name of Father: Clark Dannenberg, a citizen of the Cherokee Nation.
Name of Mother: Easter Dannenberg, citizen of the Cherokee Nation.
Post-office, Denger, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Northern District. }

I, Easter Dannenberg, on oath state that I am 22
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of Clark Dannenberg, who is a citizen, by
adoption, of the Cherokee Nation, that a female child was
(male female)
born to me on the 8 day of November, 1898 that said child has been
named Essie Dannenberg, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

J. B. Blodgett
John Ross

Easter Dannenberg
mark

Subscribed and sworn to before me this 25 day of September, 1901.

Louis T. Brown

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

Northern District. }

I, Judy Chambers, a midwife, on oath state that I
attended on Mrs. Easter Dannenberg, wife of Clark Dannenberg
on the 8 day of November, 1898 that there was born to her on
said date a female child; that said child is now living and is said to have been
(male female)
named Essie Dannenberg.

WITNESSES TO MARK

(Must be Two Witnesses)

J. B. Blodgett
John Ross

Judy Chambers
mark

Subscribed and sworn to before me this 25 day of September, 1901.

Louis T. Brown

NOTARY PUBLIC.

13

7191063

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 25 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Sept 24

Post Office

Crops, Ky

District

Sequoyah

1. Name

Leland Tammeling

No 22

Owner's name

Citizenship

Year

186

Page

No. 2267

District

Sequoyah

Parents:

Father

Citizenship

Mother

Judy Leland

Living

Citizenship

Sequoyah

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Essie Tammeling

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

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Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Mr. L.

Stenographer

Bessie L. Jones

My 1 on Wallace Roll as Leland Tammeling
 Cert. of marriage required

Ref. 2 1014

Birth Cert. required

Agent Brown representing the applicant

FILED
MAR 24 1902


OFFICE OF THE ATTORNEY GENERAL

Cherokee - Freedmen - Enrollment.

MUSKOGEE, IND. TER.,

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

**TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE.**

Commissioners.

Cher. Fr. R. 799

Trans. from Cher. Fr. D. 1064

Cher. Fr. R. 799

the Wallace roll. Anna Johnson is not identified on any roll. She avers that she was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the war and returned in 1866. She and her two children named herein will be listed for enrollment as Cherokee freedmen on a doubtful card. It will be necessary for her to file proof of birth as to her daughter Anna Johnson.

Chas. von Weise, being sworn states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings of the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 16th of July, 1901.

Signed, T. B. Needles,
Commissioner.

~~XX~~
Braswell Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he copied the above testimony, and that the foregoing is a true and correct copy from the original.

Sworn to and subscribed before me this the 15th of November, 1901.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., July 8, 1901.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

Judy Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Judy Chambers.

Q How old are you? A I don't know how old I am, I was a girl time of the war.

Q Have you any idea how old you are? A I was a girl, a young girl, in time of the war.

Q What is your postoffice? A Beale.

Q What district do you live in? A Sequoyah.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A My children.

Q How many have you got? A I have seven.

Q Well, give me the names of your children? A Rufus Warren.

Q How old is he? A Well, he was born in time of the war, I don't know my children's ages.

Q He is of age? A Yes, sir.

Q I want the children under age and not married? A Oh, well now Dennis.

Q How old is Dennis? A About 14 or 15, as near as I can guess.

Q What is the next one? A Annie.

Q How old is Annie? A I can't hardly tell you how old she is, about 12 or 13.

Q What is the next one? A That is all, just only two under age.

Q You have got five married then? A Yes, sir, the oldest one that I have got isn't married.

Q Have you got any witnesses here? A Yes, sir.

Q Who are they? A Uncle Nelson Murrell and Ben Grinnett and Dennis Bean.

Q Your name on any of the rolls of the Cherokee Nation? A Yes, sir.

Q What roll? A I went to all the enrollments, but I never drew any money only on the Wallace roll.

Q Are you married? A No, sir, not now.

Q Were you ever married? A Yes, sir.

Q How many times? A I have been married twice.

Q What was your first husband's name? A Warren, belonged to some people named Little.

Q Did he have any other name besides Warren? A That is all the name I ever heard.

Q Not John, or anything? A No, sir, just Warren.

Q Is he living? A No, sir, he is dead, I am a widow woman.

Q What was your second husband's name? A His name was Columbus.

Q Columbus what? A Columbus Gilbreath.

Q Is he living? A No, sir, he is dead.

Q Who is the father of Dennis? A Ben Payton.

Q Never was married to him at all? A No, sir.

Q What is Dennis' name? A Dennis Payton.

Q Who is the father of Annie? A Annie Johnson, her father was Albert Johnson.

Q Never married to him either? A No, sir.

Q Have you got any children by any of your husbands? A Yes, sir, Rufus Warren, he is here to speak for himself.

Q Were you a slave? A Yes, sir.

Q Who did you belong to? A Sam Chambers.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out during the war? A No, sir.

Q Never been out of the Cherokee Nation? A No, sir.

Q Always lived in the Cherokee Nation? A Yes, sir.

Q Why isn't your name on the roll of 1880? A I don't know, sir, I think I was attending court and didn't get there.

Q Sam Chambers was your master? A Yes, sir.

Q Where were you born? A Sam Chambers's.

Q You never been out of the Cherokee Nation in all your life?

A No, sir.

Q Never lived out of it? A No, sir.

Mr. W.V. Hastings, Cherokee attorney: You were sold out of here before the war though? A No, sir.

Q You know a man named Gilbreath? A Yes, sir, I knew a man named Gilbreath.

Q He lived in Arkansas? A No, sir, lived close to old man Chambers.

Q He was a white man? A No, sir.

Q Sam Chambers sold you to Gilbreath before the war? A No, sir, never belonged to anybody named Gilbreath in my life.

Q Sam Chambers never sold you before the war? A No, sir.

Q Now where did Sam Chambers live? A Sam Chambers lived in Flint district close to Clear or Spring.

Q He was the father of Boon, or L. B. Chambers; you know Boon Chambers? A Yes, sir, he and Boon Chambers stocked methers at the same time.

Q He was your young master? A Yes, sir, and Anderson Chambers and Ben Chambers and Bill Chambers.

Q They were your young masters? A Yes, sir.

Q You knew them when the war came up? A We were all together.

Q Living in the same place when the war came up? A Yes, sir.

Q Now who did you stay with during the war? A First one and then another, sometimes Peggy Woodall and sometimes Fella Cornalk, and sometimes I was at Mrs. Quinton's, first one place and then another, didn't have no particular home when I was turned out, I didn't know where to go, I had to go with some because I was left by myself.

Q Where did the first of the war find you? A Found me up close to Mrs. Quinton.

Q Was that in Flint District? A No, sir, in Going Snake.

Q How long did you live there after the war? A Been there all the time until about 13 or 14 years ago I moved in Sequoyah district.

Q That is the first time you ever saw Dennis Bean? A No, sir, Dennis Bean stayed to our house all the time.

Q Before the war? A No, sir, not before the war, his mother knew me all her life.

Q When did you first meet him, how long after the war? A I can't tell just exactly when.

Q About how long after the war? A I reckon about three or four years after the war.

Q Where did you first see him? A I was at Adaline Johnson.

Q That was in Sequoyah district? A No, sir, in Flint.

Q That was the first time you saw him? A Yes, sir, since the war.

Q You never saw Dennis before the war at all? A No, sir; that is right, if I saw him I don't recollect it.

Q When did you see Uncle Ben Grinnett after the war? A I saw him off and on all the time, but I can't tell you exactly what time I saw him after the war.

Q About what time after the war? A I can't tell you, because I wasn't studying about any such.

Q Where was the first place you saw him after the war? A I think the first place must have been Taklequah when we were there to draw the bread money.

Q That was your first recollection? A Yes, sir.

Q Where did you see Marshall first after the war? A It was at a camp meeting time.

Q Where at? A They called it Bethel Camp Ground.

Q That was after the war? A Yes, sir.

Q How long after? A Two or three years after the people got civilized.

Q Had you ever seen him before the war? A Yes, sir.

Q Where at? A At Mr. Chambers' place.

Q How long before the war? A I was just a little girl, and I don't know nothing about it, I don't know nothing about the war, when it was.

Taking of testimony continued by stenographer Chas. von Weise.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones.

Sworn to and subscribed before me this the 18th day of July, 1901.

Signed, T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 2d, 1901.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

Continued from Stenographer Bruce G. Jones.

NELSON MURRELL, called and sworn as a witness for the applicant by Commissioner T. B. Needles, testified as follows-

Q What is your name? A Nelson Murrell.

Q What is your age? A About 70.

Q What is your postoffice address? A Coffeyville.

Q Do you know the applicant? A Yes sir.

Q How long have you known her? A Ever since she was a girl.

Q Who owned her before the war? A Sam Chambers.

Q Was he a Cherokee citizen? A Yes, sir.

Q Was she taken out of the Cherokee Nation during the war? A I don't know.

Q When did you first see her after the war? A '67.

Q What part of '67? A The first of March at Fort Smith Arkansas.

Q When did you next see her? A To the Wallace Court.

Q When next? A Here.

By W. V. Hastings, Cherokee representative-

Q What were you doing at Fort Smith when you saw her first? A I was a witness in the United States Court.

Q In what case? A I don't know.

Q What was the charge? A I don't know.

Q Don't you know the man's name against whom the case was had? A No sir I forgot.

Q And that was in March of 1867? A Yes sir, if my memory serves me right.

Q But you can't remember the case? A No sir.

Q You don't know what the man was charged with? A Yes sir, I think it was stealing a horse.

Q Was he tried before the Federal court there? A Yes sir.

Q For something that he had done up in this country? A Yes, sir.

Q How far did you live from this woman before the war? A Three miles

Q What was her mother's name? A Vigy Chambers.

Q How long before the war did you see her? A 10 years.

Q And at that time she belonged to Sam Chambers? A Yes sir.

Q Did he sell her at the time the war came up? A I don't know.

BEN GRAMMETT called and sworn as a witness for the applicant-

Q What is your name? A Ben Grammett.

Q What is your age? A 33.

- Q What is your postoffice address? A Nowata.
- Q Do you know this applicant? A Yes sir.
- Q How long have you known her? A Ever since she was a baby.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A Sam Chambers.
- Q When did you first see her after the war? A I haven't seen her since two years ago.
- Q Was that the first time that you saw her since the war? A Yes, sir.
- Q How do you know that it is the same woman you saw before the war? A I know it.
- Q Was she a baby in arms when you first saw her? A No sir she was a baby so high (indicating).
- Q And you can tell that this is the same person whom you saw as a baby before the war? A Yes sir.
- By Hastings-
- Q Do you know that she lived there with Sam Chambers as his slave when the war came up? A Yes sir.
- Q Where did Sam Chambers live then? A In Flint district.
- Q And this woman was living with him? A Yes sir.
- Q Sam was Boon Chambers' father? A Yes, sir.
- By the Commission-
- Q If you saw a baby 35 years ago and was to see her today, you would know her at once would you? A If she was that size I would.
- By Hastings-
- Q You are the same fellow that was whipped for stealing at Tahlequah?
- A I don't know anything about that.
- Q Were you or were you not that fellow? A I won't tell you anything about it.

DENNIS BEAN called and sworn as a witness for the applicant-

- Q What is your name? A Dennis Bean.
- Q What is your age? A 42 I guess.
- Q What is your postoffice address? A Muldrow.
- Q Do you know the applicant? A Yes, sir.
- Q How long have you known her? A I have known her ever since 71.
- Q Where did you know her then? A In Flint district.
- Q Did you know her before that? A No sir.
- Q Do you know if she was a slave? A No sir.
- Q Do you know if she was taken out of the Cherokee Nation during the war or not? A No sir I don't.

Applicant not found on the 1880, 1886 or Kern Clifton rolls.
Wallace roll examined and the applicant found as follows:
Page 106 No. 2364, Judy Chambers, Sequoyah district.
Page 106 No. 2369, Dennis Paden, " "

- Q Where was Dennis born? A In Flint district Cherokee Nation.
- Q Where was Anna born? A In Sequoyah district.
- Q What are the names of your other children? A Rufus Warren and Cynthia Johnson, Dave, his name is Joe but we call him Dave.
- Q Joe what? A Vest.
- Q He is not a son of either one of your husbands? A No sir.
- Q What is the next one? A Pellie Paden.
- Q Is she married? A Yes sir.
- Q What is her name now? A Rowe.
- Q Is Rufus a son of either one of your husbands? A Yes sir of the first one.
- Q What is the next one named? A Gilbreath London.

By Com'r Needles- Judy Chambers applies for herself and for two children Dennis Paden and Anna Johnson, whom she avers are her children. She is not identified on any of the rolls except the Wallace roll, her child Dennis Paden is also identified on

the witness roll. Anna Johnson is not identified on any roll. She avers that she was the widow of a Cherokee citizen and was taken out of the Cherokee Nation during the war and returned in 1866. She and her two children named herein will be listed for enrollment as Cherokee Freedmen on a colored card. It will be necessary for her to file proof of birth as to her daughter Anna Johnson.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings of the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 16th of July, 1901.

Signed, T. B. Needles,
Commissioner.

~~Subscribed and sworn to before me this the 16th of July, 1901.~~

Ernest M. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the above testimony, and that the foregoing is a true and correct copy from the original.

Ernest M. Jones

Sworn to and subscribed before me this the 16th of November, 1901.

W. D. Green
Notary Public.

File with Cherokee Freedmen D-1064, Joe West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Judy Chambers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

L. T. Brown, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

L. D. Chambers, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. D. Chambers.

Q How old are you Mr. Chambers? A Well I am supposed to be 58 or 59.

Q What is your postoffice? A McKee.

Q What was your father's name? A Samuel Chambers.

Q Where did your father live before the war? A He lived in Flint District.

Q Cherokee Nation? A Yes, sir.

Q You are a Cherokee citizen by blood, are you? A Yes, sir.

Q You are sometimes known as Boon Chambers, a nick-name? A Yes, sir.

Q Did your father, Sam Chambers, ever own a colored girl by the name of Judy? A Yes, sir.

Q What became of Judy? A Well, she was sold before the war to some parties living over towards Cane Hill.

Q Where is Cane Hill, what state? A It is over in Arkansas, east of Flint District where I lived.

Q How far did you live from the state line? A I suppose 12 or 13 miles.

Q How long before the war was that? A Well, the best I can recollect, it must have been some seven or eight years before the war.

Q You remember to whom she was sold? A No, sir, I can't place the place, I can't remember the name, of the party that bought her and taken her over the line.

Q You say they were living over the line? A Yes, sir.

Q Over in Arkansas? A Arkansas, Cane Hill, somewhere in the neighborhood of Cane Hill there.

Q Did your father own her at the time the war came up? A No, she was done sold.

Q Well, he never rebought her, never repurchased her? A No, sir.

Q He never owned her then? A No, sir.

Q Did you ever see her after the war? A No, sir, I never have met up with her, I have heard of her.

Q You don't know anything about her whereabouts? A No, sir, I don't.

Q To whom did Judy Chambers belong before your father came into possession of her? A Well I don't know, I think she was born somewhere about the place there.

Q Then she belonged to your father from birth up to the time you say he sold her? A Yes, that is my best knowledge of it.

Q You don't know to whom she was sold? A I can't remember the name, I can't remember the party that bought her.

By L. T. Brown: Now what amount of money your father received for her? A No, sir.

Q Were you present when the sale was made? A I was there at home, yes.

Q There in the room? A Yes.

Q Right there when the sale was made? A I was on the place when she was taken off.

Q You don't know anything about how much he received for her?

A No, sir.

Q Don't know who he sold her to? A I can't remember the man's name that bought her.

Mr. Hastings: Do you know whether the person that bought her was a ~~white~~ or ~~black~~ man? A Well, I can't say that, Mr. Hastings, she was bought and taken over the line and she never returned any more. Q That is all you know about it? A That is all I know. Q You don't know who he was? A No, sir. Q You don't know what he was? A No, sir. Q When did you see her for the first time after you claim she was taken over the line? A I never saw her to this day; if I have I didn't know her.

LEO BEN KING, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Ben King. Q What is your age? A I will be 35 in March. Q What is your postoffice? A Tallequah. Q You are a Cherokee citizen by blood? A Yes, sir. Q You know this witness here, Book Chambers, L. D. Chambers? A Yes, sir. Q Did you know his father, Sam Chambers? A Yes, sir. Q Did you know a colored woman he once owned by the name of Judy? A Yes, sir. Q How far did you live from Sam Chambers before the war? A Before the war, different times, one time we lived in about three quarters of a mile. Q Do you know what became of Judy? A They sold her across in the states to a man that Bill Harnage just a while ago told me his name but I have forgot it already. Q You think his name was Gilbert? A Well, it is Bill Harnage's uncle. Q You don't remember the name yourself? A No, sir. Q You remember it now? A I don't know how long I would remember it. Q Well, what was his citizenship, United States or Cherokee? A The one that bought her, citizenship was Washington County, Arkansas. Q Did you ever see Judy Chambers after the war? A Yes, sir. Q About when was that? A It was either in '71 or '72 there at the man's that bought her, living on his place. Q In Arkansas? A In Arkansas, I eat my supper there with her. Q Was she still there with them? A I eat my supper there with Judy. Q This woman was still there? A Yes, sir, she had three children at the time. Q What were their names? A She never told me their names, she said, there are my three children. By L. F. Brown: What is the nearest postoffice to this place in Washington County, to this man's residence where you ate supper? A I can't understand you. Q What is this man's postoffice that you say bought Judy Chambers? A Why I have never inquired the postoffice. Q What is the nearest place around there? A To my knowledge, is Gene Hill, the nearest place around there. Q Then you say she was sold about how long before the war? A 7 or 8 years before the war as well as I remember. Q You remember how much Mr. Chambers got for her? A No, sir. Q Did you see the money counted over? A I wasn't there. Q You wasn't there? A No, I just heard it rumored he had sold her. L. F. Brown: Agent for the applicant desires to ask that the testimony of this witness be stricken out, on the ground that it is purely hearsay. Q Now this man to whom she was sold, you say he was a citizen of the State of Arkansas? A Yes, sir, Washington County. Q How do you know it? A Why he was living there, both were whites.

Q That is how you know it? A They were always considered that and Bill Hargrave told me his half sister was a white woman and his brother-in-law was a white man.

Q Could he have been a resident of the State of Arkansas and not a citizen? A Well, he might have been, but they were presumed to be white.

Q All you know of this sale is what you heard? A No, what she had told me--

Q What did she tell you? A Told me she was sold to that fellow.

Q When did she tell you that? A In '71 or '2.

Q Where was she at her old master's house in Washington County, Arkansas?

Q How soon the conversation took place? A I stopped there quite a while. I think it was in the fall of the year. I wanted to warm, I had come from Dick Dean's mill, and after I went in the house and seen what it was, I said Judy I want my supper, I had know her from a girl, and she gave me my supper, and we got to talking and I says, where did Uncle Sam Chambers sell you, and she said, right here to this man.

Q You say she was sold eight years before the war began? A Seven or eight.

Q How long was it from the time you say she was sold until you saw her again in Washington County, Arkansas? A Give me a pencil and I will soon tell you, and a piece of paper (witness does some figuring). It will be near eight years after she was sold I believe that I saw her.

Q About how old was she then? A Well, when she lived with my father and by another she was about 12 or 13 years old, that was along in '22 or '5, how you can count from then down to then I guess, and she a lawyer.

Q Now, Hargrave, did she say where she had been living ever there when you saw her in '71 or '2? A She had been living right there at that place with her old master.

Q J. T. Brown: Did she say that? A I asked her where she has been living ever since who had been sold, so old acquaintances.

Conclusion: This testimony is to be filed in the following Cherokee Freedmen cases: D-1014, Judy Chambers; D-1015, Polly Brown; D-1016, Rufus Warren.

Prince C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Prince C. Jones

Sworn to and subscribed before me this the 19th of November, 1901.

McGee
Notary Public.

Q You don't remember meeting me five years ago? A I remember seeing you here.

Q You remember what you told me then? A No, sir.

Q Any of it? A No, sir, I can't tell you, I might tell you some of it though.

Q You don't undertake to tell conversations you had with people five years ago, do you? A No, sir, because I can't.

Q Especially when there are strangers passing along? A Yes, sir.

Q Is Brown? Wasn't you and children? A Yes, sir.

James P. Jones, being duly sworn, says that as stenographer to the Hon. John D. Rife, Civilized writes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 4th of October, 1901.

NOT A JURY
FILED IN D
NOV 1 1901
JAMES P. JONES
STENOGRAPHER
TO THE HON. JOHN D. RIFE
CIVILIZED WRITER

COMMISSIONER.

file with Cherokee Freedmen, 2-1934. See Test.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Judy Chambers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:

I. Brown, agent for applicant;

W. T. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Does now the Cherokee Nation and protests against the examination of this witness, for the reason that she was examined in full before upon all the three points in issue, namely, as to her ownership prior to the war, her return after the war, and her continuous residence since, and this is only a repetition of the testimony brought out in the first place, and that the Cherokee Nation has only offered evidence against these three points originally brought out by the applicant herself.

Commissioner (to agent) What do you want to examine her on?

I. T. Brown: The gentleman testified the other day that he had a conversation with this lady, and I want to show whether he did or not.

JUDY CHAMBERS, being duly sworn by Commissioner Needles, testified as follows:

Q. I. Brown: What is your name? A. Judy Chambers.

Q. Is that the applicant in this case? A. I am, yes, sir.

Q. Do you know a man by the name of Ben King? A. No, sir, I don't.

Q. Did you ever have a conversation anywhere in the State of Arkansas with a man by the name of Ben King, in which you stated that you had been sold to a citizen of the State of Arkansas a few years before the war and had lived in the State of Arkansas up until that time?

A. No, sir.

Q. Were you anywhere in the State of Arkansas during the year 1874?

A. No, sir, I wasn't.

Mr. Hastings: You know Ben King, don't you? A. Yes, sir.

Q. You knew him before the war? A. Yes, sir, he was my young master.

Q. You claim to be related to his father? A. Yes, sir, he was my young master.

Q. You don't deny that? A. No, sir, I don't, don't deny that I was a slave.

Q. Did you ever live in Cape Hill, Arkansas? A. Yes, sir, I was there and cooked.

Q. Who for? A. Mr. McClelland.

Q. Charley McClelland's outfit? A. His father.

Q. You knew him then before the war? A. No, sir, it was after the war.

Q. How long did you cook for him? A. Five years.

Q. Did you ever know a man over there by the name of Gilbreath?

A. No, sir.

Q. Never heard of him? A. No, sir.

Q. Or Gilbert? A. No, sir.

Q. Never heard of them? A. No, sir, never heard of them at all.

Q. You know Ben King? A. No, sir.

Q. You remember everybody you saw 25 years ago? A. No, sir, I don't.

Q. Lots of people you saw last year you don't know, don't know lots of people you talked to last year, you don't know? A. That is right.

Q. You don't know what you said to me five years ago? A. No, sir,

Q You don't remember meeting me five years ago? A I remember seeing you here.

Q You remember what you told me then? A No, sir.

Q Any of it? A No, sir. I can't tell you. I might tell you some of it though.

Q You do not undertake to tell conversations you had with people 25 years ago, do you? A No, sir, because I can't.

Q Especially when there are strangers passing along? A Yes, sir.

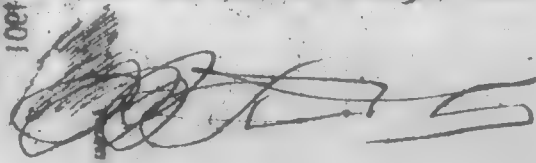
Q J. Brown? Have you any children? A Yes, sir.

Bruce G. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed on this the 4th of October, 1901.

NOV 7 1901
FILED
IN THE
FIVE CIVILIZED TRIBES
COMMISSION
AT THE
COURT HOUSE
AT
TULSA, OKLA.



Commissioner.

701064

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

CO. 7 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 25, 1901.

In the matter of the application of Joe West for the enrollment of himself and two children as Cherokee Freedmen.

~~XXXXXXXXXX~~

Appearances:

L. T. Brown, agent for the applicants;

W. W. Hastings, of counsel for Cherokee Nation.

Joe West, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joe West.

Q Joseph West: how old are you? A 28.

Q What is your postoffice address? A Melvin.

Q What district do you live in? A I live on Fourteen Mile Creek.

Q Do you apply to be enrolled as a Cherokee Freedman? A No, sir, I want to be enrolled after my mother.

Q Who do you want to enroll, yourself? A Yes, sir.

Q Want to enroll anybody but yourself? A Yes, sir, two children.

Q Yourself and two children? A Yes, sir.

Q What are the names of your children? A George, the oldest one.

Q How old is George? A He is 5 years old.

Q The next one? A Bessie.

Q How old is Bessie? A She is about 18 months old.

Q You married? A Yes, sir.

Q What is your wife's name? A Named Mary.

Q What was her father's name? A Named Dennis Dalton.

Q Her mother's name? A I don't know, sir, I never seen her.

Q What was her name before you married her? A Named Mary Harvey.

Q Was she ever married before she married you? A Yes, sir.

Q Was her first husband dead when she married you, or living?

A Yes, sir, he was dead.

Q She was a widow when you married her? A Yes, sir.

Q Well, were you ever married before you married Mary Harvey?

A Yes, sir.

Q Your first wife living? A Yes, sir.

Q Ever get a divorce from her? A Yes, sir.

Q You ever been recognized by the Cherokee Nation as a Cherokee Freedman? A No, sir.

Q Your name on any of the rolls of the Cherokee Nation? A Yes, sir.

Q What roll? A Wallace roll and Kern-Clifton.

The 1880 authenticated roll and the 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q What was your father's name? A Dave West.

Q Is he living? A Yes, sir.

Q What is your mother's name? A Judy Chambers.

Q Is she living? A Yes, sir.

Q How do you claim citizenship, through your mother? A Yes, sir.

Q Where were you born? A Flint district.

Q Cherokee Nation? A Yes, sir.

Q You lived in the Cherokee Nation all your life? A Yes, sir.

Q Living in the Cherokee Nation now? A Yes, sir, live on Fourteen Mile Creek.

Q Are these two children for whom you apply living at this time?

A Yes, sir.

Q Your name is Joseph, isn't it? A Joe West.

Q That the way you sign it when you sign it? A Yes, sir.

Q Joe? A Yes, sir.

The Kern-Clifton roll examined and the applicant, Joe West, identified thereon, page 111, No. 2777, Illinois district.

Q You say your name is on the Wallace roll? A Yes, sir.

L. T. Brown: Did you ever go by any other name? A Yes, sir, I

went by my father's name with my mother on the Wallace roll.

Q What was that? A Dave West.

Commissioner: If your name is Joe West, how did it happen to be put down Dave West? A It wasn't Dave West, but they put me down Dave, a nick name.

The Wallace roll examined, and the applicant identified thereon, page 106, No. 2266, Sequoyah district, as David West.

Q Did you have a brother named David? A No, sir.

L. T. Brown: We want a reference to the Judy Chambers case. Mr. Hastings: Where were you born? A Sequoyah district.

Q How old were you when you left Flint? A I don't know sir.

Q Can you remember living in Flint? A Yes, sir, I can remember living in Flint.

Q Don't you know about how old you were when you left there?

A No, sir, I don't.

Q A small boy? A Yes, sir, I was quite a lad.

Q Who were your neighbors out there? A I don't know all of them, Ben Paden and Buck Starr.

Q You lived neighbors to them, did you? A Yes, sir.

Q That is right near Evansville? A Yes, sir, about 12 miles this side of Evansville.

Q You don't remember coming from Arkansas? A Yes, I remember coming through there when I went to Fort Smith.

Q When didn't you come here and apply when we were here all the month of April? A I did come here but I didn't make no application.

Commissioner: Who is the mother of George and Bessie? A Mary.

Q Is she a citizen? A No, sir.

Q She is a state woman? A Yes, sir.

Q You married to her? A Yes, sir.

Q Have you any certificate of marriage? A No, sir, I guess the Preacher have.

Q Who married you? A Elder Pines.

Q Is he living? A Yes, sir, I guess he is.

Mr. Hastings: Where were you married? A Sequoyah district.

Commissioner: Well, it is necessary for you to have proof of your marriage in order to have any show for George and Bessie; if there anybody here that saw you married? A No, sir, nobody here that saw me married that I know of.

Q Well, you say you are divorced from your former wife? A Yes, sir, I got a divorce from her.

Q You got any proof of that? A No, sir, I never got any papers for it, she got the papers though.

Q Where? A She is up here on Flint Ridge.

Q Where did she get the divorce? A Got it at Muldrow.

Q She got it or you? A She got it.

Commissioner: Joseph West applies for the enrollment of himself and two children, George and Bessie. He cannot be identified upon the authenticated roll of 1890 or the census roll of 1896, but he is identified upon the Kern-clifton roll and upon the Wallace roll as David West. He avers that David West was a nick name and that the said David West on the Wallace Roll is intended for him. He avers that he is married to one Mary Harvey, but presents no satisfactory proof of marriage. He avers that he was married previous to his marriage with said Mary Harvey, his present wife, but she procured a divorce, but presents no satisfactory proof of divorce. It will be necessary for the applicant to make satisfactory proof of his marriage, also satisfactory proof of his divorce from his former wife, and also satisfactory proofs of birth as to his two children, George and Bessie, their names not appearing upon any of the rolls of the Cherokee Nation. He will now be listed for enrollment as a Cherokee Freedman upon a certain

card. The attorney for the applicant prays that the testimony taken in the matter of the application of Judy Chambers be made part of the record in the case at bar, and the same is ordered. The applicant avers that he is the son of Judy Chambers, who is listed for enrollment upon doubtful card No. B-1014, and claims his citizenship through his mother.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of October, 1901



Commissioner R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Judy Chambers, et al., as Cherokee Freedmen, consolidating the
applications of

Judy Chambers, et al.,...	Cherokee Freedmen D 1024
Rufus Warren,.....	" " D 1024
Clark Dannenberg, et al.,	" " D 1063
Joe West, et al.,.....	" " D 1064

D E C I S I O N .

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Judy Chambers for herself and her minor children, Dennis Paden and Annie Johnson; by Rufus Warren for himself; by Clark Dannenberg for himself and his minor child, Essie Dannenberg; and by Joe West for himself and his minor children, George and Bessie West.

The evidence shows that the principal applicant, Judy Chambers, was born prior to the commencement of the rebellion, but it does not appear that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence shows that all the other applicants herein are her descendants born since the commencement of the rebellion and have no rights to enrollment except as such descendants. None of the names of the applicants herein are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark Dannenberg, Essie Dannenberg, Joe West, George West and Bessie West as Cherokee Freedmen should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman.

(SIGNED)

Commissioner.

(SIGNED)

Commissioner.

Muskogee, Indian Territory,

this

MAR 11 1904

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 8 1901

[Signature]
ACTING CHAIRMAN

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COMMISSIONERS.
HENRY L. DAWES,
TANS SNEY,
THOMAS B. NEEDLES,
C. R. BRCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita 23 Oct 81901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Joe West et al for enrollment as
Freedmen of the Cherokee Nation.

No.

F. D. 1064

Louis T. Brown Agt
Agent for applicants

COPY.

Cherokee Freedmen
D-1064.

Muskogee, Indian Territory, March 19, 1904.

Joe West,

Melvin, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, George and Bessie West, as Cherokee freedmen. Your agent, Louis T. Brown, Vineta, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

G. T. C.

1064

Register.

Commissioner in Charge

Enc. D-12.

Cherokee Freedmen
D-874 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William H. Robinson et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of William H., James A., Jennetta, Charles S., Amanda E., John S., Ollie and William D. Robinson, Josie A. Slaughter, Sadie Smith, Tobe Robinson, Melvina, Cora, Jesse and Allen Martin, Martha M. Hill, Luvada Martin, Annie Jones, Savannah Hill and Luther Daniels as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-8.

COPY

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, March 19, 1904.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Judy Chambers et al., rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Brantley

Enc. D-14.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-1014.

Muskogee, Indian Territory, March 19, 1904.

Louis T. Brown,

Agent for Judy Chambers et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Judy Chambers et al., rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Clark and Essie Dannenberg, Joe, George and Bessie West as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Brackinridge

Register.

Commissioner in Charge.

Enc. D-13.

Cherokee Freedmen

D-1064,

Muskogee, Indian Territory, August 31, 1904.

Joe West,

Tablequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of August 23, asking to be advised as to the status of your application for enrollment as a Cherokee freedman, and stating that you have a child by the name of Mandy West, born to you on July 28, 1902, which you desire to have enrolled as a Cherokee freedman.

In reply you are advised that the Commission's records show that its decision, rejecting your application for the enrollment of your two minor children, George and Bessie West, as Cherokee freedmen was forwarded to the Secretary for review on March 19, 1904, and that a copy thereof was forwarded to you at Melvin, Indian Territory, on the same date. If your postoffice address has been changed you are requested to so advise the Commission.

In regard to the enrollment of your minor child, Mandy West, you are advised that the Commission's records fail to disclose that application has ever been made to this Commission for the enrollment, as a Cherokee freedman, of the said child. You are further advised that the Commission is now without authority to receive applications for enrollment in the Cherokee Nation. In this connection your attention is invited to see-

tions 25, 26 and 30 of the act of Congress approved July 1, 1902, (32 Stats., 716), which provide:

Sec. 25-"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

Sec. 26-"The names of all persons living on the first day of September, nineteen hundred and two, entitled to be enrolled as provided in section twenty-five hereof, shall be placed upon the roll made by said Commission, and no child born thereafter to a citizen, and no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

Sec. 30-"During the months of September and October, in the year nineteen hundred and two, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the first day of September, nineteen hundred and two, but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

Respectfully,

Chairman.

Refer in reply
to the following:
Land
19426-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Judy Chambers for herself and her minor children, Dennis, Paden and Annie Johnson, by Rufus Warren for himself; by Clark Dannenberg for himself and his minor child, Essie Dannenberg; and by Joe West for himself and his minor children, George and Bessie West.

March 11, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Judy Chambers, was born prior to the beginning of the war of the rebellion, but it is not clearly established that she was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion. All of the other applicants are her descendants born since the beginning of the war and have no rights to enrollment except as such descendants.

None of the names of the applicants is found on the 1880 authenticated Cherokee roll. The applicants, Judy Chambers, Dennis Paden, Rufus Warren, Clark Dapenberry and Joe West are identified on the Wallacoa roll and Joe West is also identified on the Hern-Clifton roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. A. Bonner

Acting Commissioner.

M.M.H.

W.

D.C. 40882-1904
I.T.D. 7562-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR
WASHINGTON.

V.C.F.
J.P.
FHE
L.A.S.

October 20, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Judy Chambers, et al (F.D.-1014 et al), including your decision of March 11, 1904, rejecting the application for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West.

On July 19, 1904, the Department received a petition, signed by Rufus Warren, requesting a rehearing in the matter, alleging newly discovered evidence. The petition fails to show, however, that the evidence which the petitioner desires to submit could not have been procured by due diligence at the original hearing. The petition alone is insufficient to justify the Department in remanding the case to you for further hearing, it not being supported by affidavits.

Reporting September 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed)

Sam Hays

Acting Secretary

1 inclosure .

COMMUNICATIONS
TO THE SECRETARY
OF THE INTERIOR
C. D. BROWN
WASHINGTON

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE NEW CLEVELAND TERRITORY

RECEIVED
DEPT. OF THE INTERIOR
WASHINGTON

ADDRESS ONLY THE
COMMISSIONER TO THE NEW CLEVELAND TERRITORY

Salina, Indian Territory, October 11, 1904.

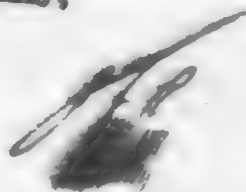
Joe West,

Salina, Indian Territory,

Dear Sir:

You are hereby advised that the Commissioner's
decision dated March 11, 1904, rejecting, among others, the
application for the enrollment of yourself and your other
children, George and Bessie West, as Citizens of the United States, was
affirmed by the Secretary of the Interior on October 11, 1904.

Respectfully,



Very truly,
Your obedient servant,
C. D. Brown

88

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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...and the

The report was made available to your office
on [redacted] as a Bureau document was turned
to the Director of the [redacted] on [redacted]
and the results in the possession of [redacted] to show
that any action for a [redacted] or [redacted] of your own was
[redacted] the [redacted] by [redacted]

THE UNITED STATES DEPARTMENT OF JUSTICE
THE FOLLOWING INFORMATION IS FOR THE USE OF THE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

[REDACTED]

The World

It does not appear, therefore, that under the provisions of law above quoted, this office has any authority to take any further action in your case.

Respectfully,

LNB

Acting Commissioner

FD 1064

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date Sept. 24, 1901Post Office Malheur, Id.District Illinois1. Name Joe WestAge 28

Owner's name

Citizenship

Year 1866 Page 111 No. 2777 District Illinois

Parents:

Father

Citizenship

Mother

Citizenship

3. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. George West

Year Page No. Dist.

4. Bessie

Year Page No. Dist.

5. John

Year Page No. Dist.

6. David

Year Page No. Dist.

7. John

Year Page No. Dist.

8. John

Year Page No. Dist.

9. John

Year Page No. Dist.

10. John

Year Page No. Dist.

11. John

Year Page No. Dist.

12. John

Year Page No. Dist.

Application made by W. K.

Stenographer

Barnes de Jones

3. Birth Certs. required

Evidence of Marriage required, and proof of fitness of 1st

No. 1 on Wallace Roll Prob No 2266 as David West, Sep. 21st 1894

Agent S. J. Brown for applicant

COMMISSION TO THE FIVE CIVILIZED NATIONS

FILED

MAR 24 1902

[Handwritten signature]
SPECIAL AGENT IN CHARGE

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joe West,

Helvin, I. T.

Cherokee-F-D-1004.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERR.



Joe West,

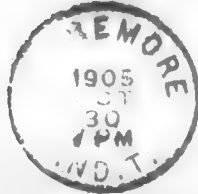
Malvin, Indian Territory.

Tahlequah

C.D. 1064

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



UNCLAIMED.

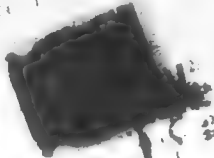


Indian Territory.

Let. D. 1064

10906

NOT TO BE WRITTEN



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Joe West,

Melvin, Indian Territory.

RECEIVED
JUN 12 1906
MUSKOGEE, IND. TER.

NOT TO BE WRITTEN

Cher. Fr. R. 800

Trans. from C. Fr. D. 1067

Cher. Fr. R. 800

11

70 1067

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 8 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 28, 1901.

In the matter of the application of William Hudson for the enrollment of himself as an intermarried Cherokee Freedman, being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Lewis T. Brown, for the applicant, as agent;
W.W. Hastings, for the Cherokee Nation, as attorney.

- Q What is your name? A William Hudson.
Q What is your age? A 56.
Q What is your post-office address? A Fort Gibson.
Q What district do you live in? A Illinois.
Q For whom do you apply? A Intermarried.
Q For yourself? A Yes sir.
Q Apply for enrollment as an intermarried citizen? A Yes sir.
Q What is your wife's name? A Peggy Hudson.
Q Is she a Cherokee Freedman? A Yes sir.
Q How old is she? A She is 51 I believe.
Q When were you married to her? A 26 years ago.
Q Is her name on the roll of 1880? A Yes sir.
Q Is Peggy Hudson your first wife? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's wife's name identified on page 538 #826 Peggy Hudson, Illinois District.

- Q You say she is not your first wife? A No sir.
Q Was your first wife living when you married Peggy? A No sir, she was dead.
Q Are you Peggy's first husband? A No sir, second.
Q Was her former husband living when you married her? A No sir, he was dead.
Q You married according to the laws of the Cherokee Nation
A Yes sir.
Q Have you any proof to that effect? A I did have up to '67 when the Cherokees had the citizenship court I got to give my license to my attorney, Mr. Boudinot, and he defended my case before the Cherokee citizenship court and I never got them back.
BY MR. BROWN: In this case we are going to try to get a copy of that; don't know whether we can or not; it was filed with the court; you can see his name in that judgment, Colonel.
(Produces papers.)
Q Is your name on any of the rolls of the Cherokee Nation? A No sir, after that decision they didn't recognize me no more as a citizen.
Q You lived with your wife continuously from the time you married your wife? A Yes sir.
Q Living ~~now~~ now with her? A Yes sir.

1880 authenticated roll, Kern-Clifton pay roll and Wallace roll of Citizens of the Cherokee Nation examined and applicant not found thereon.

Com'r Needles: William Hudson applies for the enrollment of himself as an intermarried citizen; he avers that he was legally married in the year '67 to one Peggy Hudson, a Cherokee Freedman, and the name of Peggy Hudson is found upon the authenticated roll of 1880 according to page and number of the roll as indicated in the testimony; the name of William Hudson is not found upon any roll; he offers no satisfactory proof

William Hudson 2

of his marriage, which will be required.

Now comes the Cherokee Nation and file a certified copy of the decision of the Supreme Court of the Cherokee Nation in regard to intermarried colored citizens. William Hudson will be liable for enrollment as a Cherokee citizen by intermarriage upon which will be heard, awaiting further consideration of the Commission.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this October 3rd, 1901.

C. R. Bucknill

Commissioner.

19

2010101

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

7 1901



ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita A. G. Oct 7, 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
William Hudson for enrollment as
Freedman of the Cherokee Nation.

No. C. D. No 1067

Louis T. Brown
Agent for applicant

COPY.

Cherokee Freedman
B-111 et al.

Muskegee, Indian Territory, January 24, 1905.

Louis T. Brown,

Attorney for John Dotson et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of John Dotson, Dave Morris, Bell Davis, John L. Bowlin, Bettie Beck, Elizabeth Duncan, Lula Sanders, Maria French, Maggie Vann, and William Hudson as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-116.

Register.

Tame L. ...
Chairman.

COPY

Sherokee Freedmen
D-1067.

Muskogee, Indian Territory, January 24, 1905.

William Hudson,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your agent, Louis T. Brown, Tahlequah, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

ORIGINAL

Tame Dixby.

Chairman.

Encl. L-110.

Register.

COPY.

Cherokee Freedmen
J-M et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Kelton, John Watson, Mary Jane Vann, Thomas Lowe, Ella McFadden, Sallie Riser, Susan Campbell, Van Jackson Luther, Cassie Middleton, Mary Haffin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Gherty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Haffin, John E. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Emley, George Reed, Sr., Buck Leeman, Bell Thompson, Lewis Scott, Abe Scott, Emmer Lampton, Thomas H. Allen, Lewis Vanderford, John I. Nowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alon Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Stagg, Susie Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie LeMay, Lucy

Chautau, Alice Durant, Frederick Ward, Fred A. Thomas, Mattie Smith,
Ellie Warren, Millie Robinson, Fary Walker, Frances Martin, Gert
Hiley, Samuel Taylor, Henry Smith, Lillian P. Powell, Margaret Ross,
Kathleen Tamm, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Ross, Anne Brown, Samuel L. Young, John Robinson,
William Cox, Leonard Bowles, Katharine Purcell, Charles Chaggett,
Samuel Irwin, Mary Ross, Maggie Stone, Emma Stone, Ella Ross,
Elizabeth Jackson, Sadie Adams, Georgeanne Ayler, John Chaggett,
Hettie Smith, Jack Jackson, Lela Smith, George Tamm, Lillian
Ward, Maria French, Mary Johnson, Maggie Vann, William Nelson,
Sarah Rogers, Abraham Ballard, Laura Davis, John Jackson, James
B. Perry, Isaac Welch, Levaan Logan, George Howell, Henry Smith,
George Adams, Annie Thomas, Lewis McMillan, Sadie Vann, Lou
Peters, Ida Blair, Robert Brown, Alice Chambers, Emma Jones,
Alice Ginter, Katie Blair, Carrie Martin, Margaret Clark, Emily
Looney, John Greaves, Katharine Blair, Bettie Vann, William Hall,
Fannie Rogers, William Washington, Edwin Vann, Emma,
Goldie, Susan Daniels, Katherine Tamm, David Lane, Felix McMillan,
Henderson Jones, Nellie Vann, David Brown, John Rogers, Martin
Thompson, Ellen Whippard and Lela Milton, as witnesses
by interrogatory.

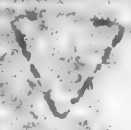
The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

7/1
[Illegible text]

[Illegible text]

Signed, *James Birby*

[Illegible text]



COPY

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Logan, Bill Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Isaac Miller, Emma E. Powell, Stephen Dawn, Malinda Vann, Frances Rogers, Annie Foster, Mary H. Rogers, George Washington Lane, John Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Russell, Charles Maggett, Samuel Irven, Mary Ross, Maggie Hays, Emma Hays, Ella Rosa, Elizabeth Duncan, Sadie Adams, George A. Archer, John Maggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haskins, Elsie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Davidson, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Harris, George Adams, Annie Thomas, Louisa McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Graham, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Graves, Matilda McRair, Bettie Vann, Nelson Latt, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Maryiah Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tamox Dixby.*
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freeman

D-1067.

Muskogee, Indian Territory, April 28, 1905.

William Hudson,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 12, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 19, 1905.

Respectfully,

SIGNED: *Tams Birby,*
Chairman.

COPY.

Cherokee Freedmen

B-1067.

Muskogee, Indian Territory, April 28, 1905.

Louis T. Brown,

Attorney for William Hudson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of William Hudson as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED.

Jame Bixby.
Chairman.

COPY.

Cherokee Freedmen

Davis, et al.

Muskogee, Indian Territory, April 22, 1905

Hall, Hastings &avenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

JAMES BIXBY.

Chairman.

COPY.

Cherokee Freedmen

N-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 12, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

WED: *Tarns Dixby.*
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Setson, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Callie Elder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinsbe, William S. Hadden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Gloggett, Amanda Martin, Eliza Martin, John E. Burgess, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Louis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reas, Charles C. Smith, Esie Calhert, William Shaggs, Esie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Cook,

Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary K. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willis Cox, Leonard Bewles, Malinda Marshall, Charles Claggett, Samuel Irven, Mary Wess, Maggie Wove, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lissie West, Mariah French, Mary Johnson, Maggie Vann, William Nelson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stread, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Nelson.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified by the 1940 state-issued driving roll.

In view of the record and of the ruling of the Department of November 12, 1964 (L. V. S. 6044-1764) in the Louis Wilson case, the approval of the Commission's decision given to all the applicants is recommended.

Very respectfully,

S. J. Johnson,

Acting Commissioner.

S.M.W.

7.

(C O P Y)

D. C. 20377-1905
I. T. D. 2904-1905

W.C.T.
THE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S.

April 17, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz.

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William B. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Nowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann.

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizale Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Strand, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Regarding the matter March 21, 1935, the Dallas
Office recommends that your decision be reversed. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and your
decision is hereby affirmed.

Respectfully,

1 inclosure

(Signed) WYOM. REAN
Acting Secretary

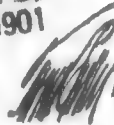
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 26 1901



ACTING CHAIRMAN

NOTE:—Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 22, 1901.

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah " "

"Lee Couper, " " "

"Henry Bird, " " "

"William Madden, " " "

"Alonzo Cullen, " " "

"Solomon Foster, Illinois " "

"William Hudson, " " "

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

B


7D1067

DEPARTMENT OF THE INTERIOR

CHIEF

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE MORE CIVILIZED TRIBES

FILED
SEP 26 1901



ACTING CHIEF

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN. *by Intermarriage*Date *Sept 26, 1906*Post Office *Fort Gibson*District *Oklahoma*1. Name *William Henderson* Age *56*

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife *Peggy H.* Age _____

Owners name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

3. *Louise* Year _____ Page _____ No. _____ Dist. _____4. *John* Year _____ Page _____ No. _____ Dist. _____5. *Paul* Year _____ Page _____ No. _____ Dist. _____6. *Edna* Year _____ Page _____ No. _____ Dist. _____7. *William* Year _____ Page _____ No. _____ Dist. _____8. *John* Year _____ Page _____ No. _____ Dist. _____9. *Paul* Year _____ Page _____ No. _____ Dist. _____10. *Louise* Year _____ Page _____ No. _____ Dist. _____11. *John* Year _____ Page _____ No. _____ Dist. _____12. *Paul* Year _____ Page _____ No. _____ Dist. _____Application made by *W. L.*Stenographer *M. J. Green**Applicant represented by Lewis L. Brown agent*

6 JUL 10 67
COMMISSION TO THE FIVE CIVILIZED

FILED
MAR 24 1902


RECEIVED

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, condoning the applications of:

William Paul
Henry Thomas
E. V. Vassar
Mary Merham
Freeman Melton
John D. Oates
Mary Jane Vassar
Thomas Lane
E. W. Mansfield
Sallie Richmond
Reuben Gamphill
Van Jackson Luther
Carrie Middleton
Mary Harlin
Nellie Fields
John Kimball
William S. Madden
Jane Boer
Albert B. Thomas
Mary Campbell
Caroline Daniels
Mortimer Albert
Dave Martin
Alexander Chagatz
Amenda Martin
Eliane Martin
John E. Barnes
Bel Davis
Samuel Brown
Harold F. Watson
Jack McConnell
Mae Mayley

[illegible]

George Reed, Sr.
Buck Leiman,
Buck Thompson,
Louis Reed,
Abe Scott,
Frank L. Brown,
Louis Vanderford,
John L. Brown,
Katie Davis,
Charles Williams,
John J. Reay,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Reed,
Othello S. Smith,
Sara Othman,
William Blagg,
Gold Johnson,
Aurid P. Hupman,
Katie Vann,
Freddie Lottley,
Lucy Chatham,
Alice Darrat,
Mabel Wain,
Fred D. Thomas,
Bettie Bell,
Ellis Warren,
Mills Robinson,
Mary Walker,
Francis Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Lottie P. Foster,
Stepney Dixon,
Mollie Vann,
Francis Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lewis,
Jane Brown,

Cherokee Freedmen D-399,
Cherokee Freedmen D-400,
Cherokee Freedmen D-411,
Cherokee Freedmen D-420,
Cherokee Freedmen D-431,
Cherokee Freedmen D-440,
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Samuel L. Brown,
John Blanton,
Willie Campbell,
Lillian Brown,
Mollie Marshall,
Othello Chappin,
Samuel Brown,
Mary Thompson,
Maggie Hays,
Nancy Hays,
Ellis Robinson,
Elizabeth Dumas,
Gelle Adams,
Gustavus Adams,
John Chappin,
Hattie Smith,
Jack Johnson,
Lula Schaefer,
George Hantley,
Lillie West,
Marie French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Dockman,
James B. Fort,
James Webb,
Lemuel Logan,
George Howell,
Harry Mack,
George Adams,
Annie Thomas,
Lewie McDowell,
Catie Vann,
Lon Peters,
Lila Adair,
Robert Brown,
Alie Chambers,
James Jones,
Alie Genter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D-741,
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Cherokee Freedmen E-50,

Benjamin Clapp for himself; by
 Emily Libbey for herself; by
 John Gibson for himself; by
 Matilda McElroy for herself; by
 Bettie Vance for herself; by
 Nelson Lattin for himself; by
 Fannie Russell for herself; by
 William Washington for himself; by
 Squire Warren Owens for himself; by
 Fannie Goldsby for herself; by
 Susan Daniels for herself; by
 Anderson Smith for himself; by
 David Lattin for himself; by
 Fella McElroy for herself; by
 Hattie Lattin for herself; by
 Beth Vann for herself; by
 Levi Stroud for himself; by
 John Sampson for himself; by
 Matiah Thompson for herself; by
 Ellen Sheppard for herself; by
 Lela Melton for herself; by
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 Cherokee Freedman 17-1030

DECISION.

It appears from the record books that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Gladys Thomas for her husband, Henry Thomas; by Ella Vann for her husband, Big Markham; by Mary Markham for her husband, Nathaniel Melton; by Prudence Melton for her husband, Mary Dotson; by John Dotson for her husband, George W. Vann; by Mary Vann for her husband, Thomas Lowe; by Thomas Mayfield for his wife, Ella Mayfield; by James Smith for his wife, Willie Rider; by Nathan Goldsby for himself; by Van Jackson for himself; by Tobe Middleton for his wife, Annie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Katie Fields; by John Kimbo for himself; by William W. Hudson for himself; by Tobias Bean for his wife, John Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Gertrude Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bettie Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Murley for herself; by George Reed for himself; by Buck Ledman for himself; by Abe Thompson for herself; by Lewis Scott for himself; by Abe Scott for himself.

(Cherokee Freedman 17-1031)
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The record further shows that none of the applicants herein were registered in enrollment as off one of the Cherokee Nation other than as set forth above. It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was not made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court at Tulsa, Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 511).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of *Lester Welcome*, (I. T. D. 5572-1904, 11,775-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Elder, Rachel Campbell, Van Jackson, Luther, Oreste Middleton, Mary Hatten, Nellie Fields, John Kinke, William S. Madden, Jane Bone, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Mauley, George Reed, Sr., Buck Ledman, Bett Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John I. Rea, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Bone, Charles O. Smith, Sam Collett, William Stagg, Belle Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Dumas, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Willie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Byers, Fannie D. Smith, George Reed, Maude Vann, Fannie Johnson, Annie Foster, Mary H. Rogers, George Washington Lee, Jack Brown, Sam L. Young, John Buckner, Willie Cox, Leonard Bowles, Mahada Murrah, Charles Claggett, Samuel Jones, Mary Bone, Maggie Nave, Neoma Nave, Ella Bone, Elizabeth Dutton, Sallie Adams, George Smith, John Claggett, Hattie Smith, Jack Jackson, Lela Sanders, George Hattley, Lela West, Sarah Frances, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Leam David, John Deckman, James B. Perty, Isaac Welch, Lawson Logan, George Howell, Harry Mack, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Affie Chambers, Isam Jones, Alice Gantner, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Spake Warren Owen, Francis Goldsby, Susan Daniels, Anderson Turk, David Lane, Fella McClain, Henderson Jones, Belle Vann, Levi Stroad, John Sumpter, Mariah Thompson, Eliza Shappard and Lela Mailes, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1893, (28 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[SIGNED] TAMS BIXBY, Chairman.
[SIGNED] T. B. NEEDLES, Commissioner.
[SIGNED] O. E. BROCKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Cher. Fr. R. 801

Trans from Cher. Fr. D. 1078

Cher. Fr. R. 801

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

In the matter of the application of Sarah Rogers for the enrollment of herself as a Cherokee Freedman by intermarriage; said Rogers being duly sworn and examined by Commissioner Needles, testified as follows:

APPEARANCES:

Mr. I. P. Bledsoe, Agent for applicant;

Mr. J. S. Davenport, of counsel for Cherokee Nation.

- Q What is your name A Sarah Rogers.
Q Is that your name now? A Yes, sir.
Q How old are you? A I don't know; I guess I am about 40 or 50.
Q What is your post office address? A Nowata.
Q What district do you live in? A Coowesscoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q By intermarriage? A Yes, sir.
Q What is your husband's name? A Ike Rogers.
Q Do you apply for anybody but yourself? A That's all.
Q Where were you born? A In East Tennessee.
Q How long have you lived in the Cherokee Nation? A I come out here while war.
Q Been living in the Cherokee Nation ever since? A Yes, sir.
Q Were you a slave before the war? A Yes, sir.
Q What was your owner's name? A Kelly
Q Were they citizens of the Cherokee Nation, or citizens of the State of Tennessee? A Yes, sir.
Q You are what is known than as a state woman? A Yes, sir

Com'r Needles: Applicant presents a marriage certificate certifying that she was married to Ike Rogers, a citizen of the Cherokee Nation, on the 15th day of July, 1885; said certificate being signed by Samuel Webber.

- Q Were you ever married before you married Ike Rogers? A Yes, sir.
Q What was your former husband's name? A Davis.
Q Was he living when you married Ike Rogers A No, sir.
Q Dead? A Yes, sir.
Q Then was Ike Rogers your next husband? A Yes, sir.
Q Was Ike Rogers ever married before he married you? A No, sir.
Q You are his first wife? A Yes, sir.
Q He is living is he? A He is dead.
Q How long has he been dead? A He has been dead about five years.
Q Have you married since he died? A No, sir.
Q You are still a widow? A Yes, sir.
Q Have you any children? A No, sir.

The 1880 Authenticated roll of Cherokee Freedmen examined and name of applicant's deceased husband not found thereon.

- Q Did you live with Ike Rogers from the time you married him up to the time of his death? A Yes, sir.
Q Was Isaac Rogers, or Ike Rogers, a Cherokee citizen? A Yes, sir.
Q Do you know whether his name was on the roll of 1880 or not? A I think it is.
Q Did your husband ever go by any other name besides Rogers, or any other name besides Ike? A No, sir, just Ike.
Q How old was Isaac Rogers when he died? A I don't know exactly how old he was, he was old though.
Q Do you know whether he ever drew any Cherokee money? A Yes, sir, he drew every time.
Q Did he have any children? A No, sir.
Q Do you know what Ike Rogers's father's name was? A No, sir.

Sarah Rogers.--3.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant's deceased husband found thereon, page 137, #2866, Isaac Rogers, district Cooweescoowee; note: "Died August 4th, 1894, but not certain that this is the one."

- Q You were married in the Cherokee Nation? A Yes, sir.
Q How long had you lived in the Cherokee Nation when you were married? A About 20 years.
Q Before you married? A Yes, sir.
Q You don't know how long Ike Rogers lived in the Cherokee Nation? A No, sir, well I guess he always lived in the Cherokee Nation.
Q Well, it will be necessary for you to prove Ike Rogers was a citizen? A Yes, sir.

Tribal Rolls of Cherokee Freedmen examined and name of applicant not found thereon.

COM'R NEEDLES: Sarah Rogers applies for the enrollment of herself as an intermarried citizen. She presents satisfactory proof of her marriage to one Ike Rogers on the 15th day of July, 1885, and avers that the said Ike Rogers is a Cherokee Freedman citizen. The name of her husband, Ike Rogers, cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll, upon which it is identified according to the page and number of the rolls as indicated in the testimony. No satisfactory proof is presented as to the citizenship of said Ike Rogers, the avowed husband of the applicant. Applicant makes satisfactory proof of marriage to her husband and she will now be listed for enrollment as a Cherokee freedman by dint of marriage upon a doubtful card awaiting further consideration of the Commission. It will be necessary for her to make satisfactory proof of the citizenship of her husband.

You will be notified of the decision of the Commission in your case.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 21st, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 23 1901

Action required

RECEIVED
HENRY L. DAVIS,
TAMM CHIEF,
THOMAS B. HENKEL,
U. S. SHERIFF.

ARTHUR L. AVLESTON,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. V. I. Oct 24-01

Received of the Commission to the Five Civilized Tribes
and copy of the testimony in the matter of the application of
Sarah Rogers for enrollment as
Freedmen of the Cherokee Nation.

No. C 7 N 1078

J. P. Blodgett
Agent for applicant

COPY.

Cherokee Freedmen
B-14 et al.

Muskogee, Indian Territory, January 24, 1902.

L. P. Blalock,

Agent for William Davis et al.,

Cherokee, Indian Territory

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1902, rejecting, among others, the applications for the enrollment of William Davis, Nancy Ross, and Sarah Rogers as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-115.

Register.

JAMES DIXBY.
Chairman.

COPY

Cherokee Freedman
D-2078.

Muskogee, Indian Territory, January 24, 1905.

Sarah Rogers,

Nowata, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your agent, I. P. Bledsoe, Chateau, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Bixby.

Chairman.

Encl. L-111.

Register.

COPY.

Cherokee Freedmen
J-24 et al.

Muskogee, Indian Territory, January 24, 1906.

Bohl, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1903, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harsham, Frances Nelson, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harkin, Nellie Fields, John Kinke, William S. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Katrina Alberty, Jane Morris, Alexander Shaggett, Amanda Martin, Eliza Martin, John E. Barnes, Bill Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Hamie Kunkley, George Reed, Sr., Buck Leeman, Hall Thompson, Lewis Scott, Abe Scott, Kendra Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles E. Smith, Susie Colbert, William Stages, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lerney, Lucy

Chouteau, Alice Jurant, Mahaley Ward, Fred D. Thomas, Bettie Buck,
 Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
 Willis Cox, Leonard Bowles, Malinda Marrell, Charles Claggett,
 Samuel Irwin, Mary Ross, Maggie Nava, Neema Nava, Ella Ross,
 Elizabeth Jancos, Sadie Adams, Georgiana Archer, John Claggett,
 Nettie Smith, Jack Jackson, Lula Sanders, George Hambrick, Linnie
 West, Maria French, Mary Johnson, Maggie Vann, William Haise,
 Sarah Rogers, Abraham Ballard, Laura David, John Dehman, James
 B. Perry, Isaac Welch, Lawren Logan, George Howell, Henry Maier,
 George Adams, Annie Thomas, Lewis McConnell, Ollie Vann, Lou
 Peters, Ida Maier, Robert Brown, Allie Chambers, Isaac Jones,
 Alice Guster, Katie Maier, Carrie Martin, Benjamin Clark, Mollie
 Kanner, John Graves, Matilda McHair, Bettie Vann, Nelson Lett,
 Fannie Rogers, William Washington, Squire Warren Green, Fannie
 Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix Hoffman,
 Henderson Jones, Mollie Vann, Levi Stroud, John Supter, Mariak
 Thompson, Ellen Sheppard and Lula Walton, as Cherokee citizens
 by intermarriage.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The action of the

RECEIVED FOR THE DEPT. OF THE INTERIOR
BUREAU OF LANDS

RECEIVED

SIGNED: *Tamie Dixby*

COPY

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassia Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Hudson, Sam Beas, Albert T. Thomas, Mary Campbell, Caroline Daniels, Maryina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elise Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Sam McConnell, Maude Manley, George Reed, Sr., Bush Leason, Bill Thompson, Lewis Scott, Abe Scott, Kander Hampton, Thomas L. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Cozart, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Adams, Lemuel E. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Sadie Parker, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel E. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Carroll, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Hays, Fannie Hays, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haskins, Diana Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Meier, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Geyer, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Graves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galloway, James Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Geyer, Mariah Thompson, Ellen Sheppard and Lula Holton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Walton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, James Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Nowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Susie Colbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck,

Millie Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Stokes, Larkin P. Powell, Stephen Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Marrell, Charles Gloggett, Samuel Irvon, Mary Ross, Maggie Vann, Ella Ross, Elizabeth Duncan, Edie Adams, Georgeann Archer, John Gloggett, Nettie Smith, Jack Jackson, Lula Sanders, George Haselrig, Fizzie West, Mariah French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Maair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Nettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified as the 1900 published version.

In view of the record and the finding of the Department of November 12, 1904 (I. O. D. 1500-1904) in the same volume case, the approval of the Commission's decision covers all the applications recommended.

Very respectfully,

C. F. Lanyon

Acting Commissioner.

H.M.H.

(COPY)

D.C. 20577-1905
I.T.S. 2004-1905.

W C Y
P H E

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

I R S

April 19, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Matthews, Frances Helton, John Dutton, Mary Jane Vann, Thomas Lott, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Lott, Cassie Middleton, Mary Harkin, Nellie Field, John Kinke, William S. Maiden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberry, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Nell Davis, Samuel Brown, Howard M. Watson, Jack McConnell, Maude Manley, George Reed, Jr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen Lewis Vanderford, John L. Boulis, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alan Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warrump Millie Robinson,
Mary Webber, Frances Marvin, Mary Wiley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Webster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary
Ross, Maggie Nave, Heona Nave, Ella Rose, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Meair, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Ison Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Greves, Matilda McHair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Streud, John
Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Molten.

Reporting in the matter March 21, 1902, the Indian
Office recommends that your decision be approved. A copy of its
letter is inclosed.

The Department concurs in said recommendation, and your
decision is hereby affirmed.

Respectfully,

(Signed) WM. H. HAN
Acting Secretary.

1 inclosure.

COMMUNICATIONS:

TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BROCKENRIDGE.

WM. S. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ORDER OF REFERENCE TO THE CHAIRMAN
Cherokee Freedmen
D-1078.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

Sarah Rogers,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,


Chairman.

COPY.

Cherokee Freedmen

D-1078.

Muskogee, Indian Territory, April 28, 1905.

A. P. Mledsoe,

Agent for Sarah Rogers,

Ohoteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Sarah Rogers as a Cherokee citizen by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

B-14, et al.

Waskagee, Indian Territory, April 28, 1906

Roll, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Waskagee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tams Dixby*
Chairman.

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 25, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

W. E. B. *James Bixby*
Chairman.

Cherokee Freedman D-1078.

UNITED STATES OF AMERICA,)
NORTHERN DISTRICT,) ss.
INDIAN TERRITORY.)

I, Samuel Webber, a minister of the gospel, on oath state, that Ike Rogers a citizen of the Cherokee Nation and Sarah Davis, a citizen of the United States were by me joined in the holy bonds of matrimony on the 5th day of July, 1885, in the Cherokee Nation.

Attest.

Henry Pack.

his
Samuel X Webber.
mark.

Subscribed and sworn to before me this 1st day of July, 1901.

Louis T. Brown.

Notary Public.

I, Roy Palmer as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original.


Roy Palmer

6 8 78 1078

8 78 1078


DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 23 1901


ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 16 1901


ACTING CHAIRMAN

United States of America }
Northern District } S.S.
Indian Territory }

I Samuel Webb, a minister of
the gospel, on oath state, that Ike Rogers a
citizen of the Cherokee Nation and Sarah Ann
a citizen of the United States were by
me joined in the holy bonds of matrimony
on the 5th day of July 1885, in the Cherokee
Nation

Attest.

Henry Pack

Samuel ^{his} X Webb
mark

Subscribed & sworn to before me the
1st day of July 1901

Louis T. Brown
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 16 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 23 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN

MEMORANDUM OF APPLICATION.

Intermarried
CHEROKEE FREEDMEN.

Date Oct. 16, 1901
Post Office Nowater, Ia.
District Law

Name _____ Age _____
Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Name of wife Sarah Rogers Age 40

Owner's name Kelly Citizenship U.S.

Year _____ Page _____ No. 1 District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

Insufficient

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by Mr. 1 Stenographer J. O. Rosson

Proof of citizenship of husband required
Not on any roll.

Applicant represented by agent Blodare

6

101010

MAR 24 1967

~~SECRET~~

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wm. Stuart Rogers,

Secretary, I. T.

Cherokee - Freedmen - Enrollment.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

NOTE:—Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1901.

"Tuesday Morning, June 20, 1901."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah "

"Lee Cooper, " "

"Henry Bird, " "

"William Madden, " "

"Alonzo Cullen, " "

"Solomon Foster, Illinois "

"William Hudson, " "

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thompson,
Elliott Vail,
Milly Minkley,
Frances Bennett,
John Dolan,
Mary Jane Vahan,
Thomas Lowe,
Emma McGee,
Sally Rice,
Reuben Campion,
Vera Jackson Darter,
Gladie Middleton,
Mary Hanna,
Nellie Hicks,
John Kimball,
William Spaulding,
Jesse Beatty,
Albert T. Thomas,
Mary O'Connell,
Caroline Deering,
Mervin Abbott,
Dave Morris,
Alexander Clugger,
Amanda Martin,
Ellis Martin,
John E. Barnes,
Ben Dray,
Saul Brown,
Howard F. Watson,
Jack McCann,
Maude Mayne

Cherokee Freedmen D-1179
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Cherokee Freedmen D-1210

George Reed, Jr.,
 Buck Lehigh,
 Bell Thompson,
 Louis Scott,
 Abe Scott,
 Elmer Lehigh,
 Thomas E. Allen,
 Lewis Vandenberg,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John S. Ross,
 Jane Martin,
 Louie Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles O. Smith,
 Susie Collier,
 William Shaggy,
 Susie Johnson,
 Alfred P. Hopkins,
 Kinie Vann,
 Freddie Leoney,
 Lucy Christens,
 Alon Darnet,
 Mahaley Ward,
 Fred D. Thomas,
 Rattie Beck,
 Ella Warren,
 Milha Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Luckin P. Powell,
 Stepmay Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-302,
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Samuel L. Young,
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 Samuel Irwin,
 Mary Ross,
 Maggie Nave,
 Numa Nave,
 Ella Roney,
 Elizabeth Duncan,
 Sadie Adams,
 Georgeanne Ansher,
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 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Hasselrig,
 Lulu West,
 Meta French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deakman,
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 Isaac Welch,
 Lamon Logan,
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 Lewis McQuinnell,
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 Lou Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
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 Katie Adair,
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Cherokee Freedmen D-741,
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The record further shows that none of the applicants herein make any claim to enrollment as off one of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 841).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5658-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harbo, Nellie Fields, John Kimbo, William S. Madden, Jere Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Mantley, George Reed, Sr., Buck Ledman, Belt Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles O. Smith, Bush Gilbert, William Stagg, Belle Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Lohney, Lucy Chouteau, Alice Dargay, Manaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Wheeler, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkie B. Powell, Stephen Davis, Malinda Vann, Francis Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Nave, Wanda Nave, Ella Rose, Elizabeth Duncan, Sadie Adams, Georgeason Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mask, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Junt, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1896, (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

RETURNED TO WRITER.

unknown

Sarah Rogers,

~~No. 1234, Indian Territory~~



NOWAY
MAY 4
31

1905

C. F. D. 1017

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURNED TO WRITER
unknown

REGISTERED NUMBER
82

Sarah Rogers,

~~Nowata,~~ Indian Territory.

REGISTERED
JAN 21 1905
MUSKOGEE, IND. TER.

MAR 9 1905



Cher. Fr. R. 802

Trans. from C. Fr. D. 1082

Cher. Fr. R. 802

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 17, 1901.

In the matter of the application of Abraham Ballard for the enrollment of himself as a Cherokee freedman by intermarriage; He being first duly sworn by Gen'r T. B. Needles, testified as follows before the Commission:

- Q What is your name? A Abraham Ballard.
Q How old are you? A About 78.
Q What is your post office address? A Wagoner.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you claim by inter-marriage? A Yes sir.
Q Who do you want to have enrolled besides yourself? A Just myself.
Q Are you married? A No sir my wife is dead, she has been dead seven years.
Q What was her name? A Polly Woodall.
Q Is she a Cherokee citizen? A Yes sir, talked the Indian language.
Q Was she an Indian or a colored woman? A Colored woman.

Applicant presents a duly authenticated marriage license, issued to him to marry one Polly Woodall a citizen of the Cherokee Nation; said license was issued on the 5th day of April 1878 by D. W. Lipe, clerk of Cooweescoowee district, Cherokee Nation. Also presents a marriage certificate certifying that he was married according to the authority granted in said license on the 5th day of April, 1878.

Said marriage license does not appear to be under seal.

- Q Did you live with Polly Woodall from the time you married her until her death? A Yes sir.
Q Where you ever married before you married her? A Yes sir.
Q Was your former wife dead before you married her? A Yes sir.
Q Did Polly Woodall have a former husband? A No sir.
Q Where did you live with her? A On Grand river.
Q Always in the Cherokee Nation? A Yes sir.
Q Are you living in the Cherokee Nation now? A Yes sir.
Q Have you married again since Polly died? A No sir.
Q Is your wife's name on the roll of 1880? A I think it is.
Q What was her father's name? A Tom I suppose.
Q Tom what? A Still.
Q What was her mother's name? A Nancy.
Q Still? A Yes sir.
Q Was your wife a recognized citizen of the Cherokee Nation? A Yes sir.
Q Did she ever draw Cherokee money? A Yes sir, at Braggs, the Wallace money.
Q Was your wife a slave before the war? A Yes sir.
Q Who did she belong to before the war? A To the Woodall's.
Q Did she go out of the Cherokee Nation during the war? A Yes sir.
Q Where? A Fort Scott.
Q When did she return? A In 1865.
Q That was before the war started? A Well in '65 we came here and landed on Grand river two weeks before Christmas.
Q Now have you been living here ever since? A Yes sir.

The authenticated roll of 1880 and the census roll of 1896 examined and the name of the applicant's wife not found thereon.

The Wallace roll of the Cherokee Nation examined and the name of the applicant's wife I identified thereon as follows:
Page 188 No. 2345, Polly Ballard, Cooweescoowee district.

- Q Did your wife draw strip money? A No sir, she was dead then.
Q Have you any testimony to prove that you and your wife were here in 1865? A Yes sir.

By L. B. Bell, Cherokee representative:

- Q When did you marry your wife? A I married her — I can't tell the date exactly, about the time of Gal Conner's trial at Big Creek Court House, old man Bryant was his lawyer.
- Q What was about 30 years ago? A No sir not been 30 years.
- Q Do you think you have been living with her 30 years? A Yes sir we was married twice and — married once, and then to keep up with the laws of the country we married again, it made us get a license and signers.
- Q When were you and her earlier married if you wasn't married to her first, when did you get together first, when did you take up with her the first time? A About a year before we was married.
- Q No longer than that? A No sir.
- Q I thought you said you had been living with her 30 years? A No sir, I lived with her 30 years altogether, got a license and signers after we lived together awhile.
- Q When did you and her commence living together, or when did you take up with her? A I don't know exactly what time.
- Q You say it was about a year before you got married under this license? A I guess we was together more than that before we married.
- Q How long? A I can't tell exactly.
- Q Were you keeping her when you left the country and went to Fort Scott? A Yes sir and came back here and married here.
- Q How long before you left the country before had you been with her? A I don't know exactly.
- Q Over a year? A Yes sir.
- Q Two? A Yes sir.
- Q 4 or 5 years? A Yes sir something like that.
- Q Who did you belong to? A To old man Tom Ballard, who lived right across the line in Arkansas.
- Q What Woodall did your wife belong to? A Old Tom Woodall.
- Q Old Tom Woodall was dead about the time the war came up wasn't he? A Yes sir just as the war came up.
- Q Who was your wife living with when the Federals took possession of this country? A With old man Tom Woodall's wife, Nancy.
- Q There at the Baptist Mission? A Yes sir.
- Q You had her about 40 years in all didn't you? A I guess so, I had her before the war.
- Q You went to Fort Scott and lived there? A Yes sir two seasons and me and Rube Still come on Grand river at the mouth of Spring creek.
- Q Did you start from Fort Scott when you came here? A About Fort Scott on Mill creek.
- Q Did you go by the name of Abraham Ballard up there? A Yes sir. (By the Commission)
- Q Was you a slave yourself? A Yes sir.
- Q How does it happen that you don't truly through your own right as a freedman? A My owners was citizens of Arkansas.

DENNIS BEAN being first duly sworn states that as interrogated by Com'r T. B. Needles, testified as follows for the applicant—

- Q What is your name? A Dennis Bean.
- Q What is your age? A 48.
- Q What is your post office address? A Big Muldrow.
- Q Do you know Abraham Ballard? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A Folly Ballard.
- Q Was she a slave before the war? A I don't know.
- Q Do you know where she was in '68? A No sir.

BY COM'R NEEDLES: Abraham Ballard swears for himself as an inter-married citizen and makes satisfactory proof of his marriage to one Folly Woodall, when he swears is a Cherokee freed-

him; and is not identified in the advertisement roll of 1890 or the census roll of 1891, but is identified on the Wallace roll, and has been dead about seven years; he says that one who bore a name and returned with him to the Cherokee Nation, after the war, in 1890, but he makes no satisfactory proof of same, consequently he will be listed for enrollment as an intermarried Cherokee according to a doubtful case.

Wm. von Vales, being first duly sworn states that on stenographic shorthand to the Five Civilized Tribes he received in full, all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this 19th of October, 1901.

Chas. von Vales

Chas. von Vales

RECEIVED
THE DISTRICT ATTORNEY
OF THE CHEROKEE NATION
OCT 20 1901

Wm. von Vales

Notary Public

RECEIVED
THE DISTRICT ATTORNEY
OF THE CHEROKEE NATION
OCT 20 1901

RECEIVED
THE DISTRICT ATTORNEY
OF THE CHEROKEE NATION
OCT 20 1901

Cherokee Freedman D-1008.

Geowessowee District,
Cherokee Nation.

To all whom it may concern. A Petition has this day been presented to me by Abram Ballard citizen of the United States to marry a Cherokee citizen, signed by the requisite number of Cherokees. Therefore be it known that I, D. W. Lipe, Clerk of the aforesaid Dist. by authority in me vested, do this day issue Abram Ballard, citizen of the United States, license to marry Polly Woodall a citizen of the Cherokee Nation, he the said Ballard having taken the oath and complied with all the requirements of the law. Any of the judges of this Nation or any minister of the Gospel of an evangelical denomination is hereby empowered to solemnize the rites of matrimony between said parties, and attach such certificate to the back of the license and return the same to this office to be recorded.

Given from under my hand officially this the 5th day April, 1875.

D. W. Lipe, Clerk.

Geowessowee Dist.
Ch. N.

I hereby certify that I have this day performed the marriage ceremony required by law between the within parties.

April 5th, 1875.

J. B. Mayes.

Judge E. J. C. C. N.

I, Roy Palmer as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original.

Roy Palmer

8

CF 10 1082

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 1 1901



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita V.T. Oct 30-1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Abraham Ballard for enrollment as
Freedmen of the Cherokee Nation.

J. P. Blunsell

(Agent for applicant)

No. 07.10.1082

COPY.

Cherokee Freedman
D-1082.

Muskogee, Indian Territory, January 24, 1905.

Abraham Ballard,

Wagoner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Tame Dixby.

Chairman.

Encl. L-112.

Register.

COPY.

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Mclen, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Kigleton, Lucy Martin, Nellie Fields, John Kimbe, William S. Menden, Jack Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martha, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Wilson, Jack McCongell, Maude Manley, George Reed, Sr., Buck Latham, Bill Thompson, Lewis Scott, Abe Scott, Kendler Lampton, Thomas E. Kilan, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Susie Colbert, William Grogg, Susie Johnson, Alfred P. Hopkins, Klizzie Vann, Freddie Leoney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Samuel Taylor, Henry Sykes, Lucinda R. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Kurrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Aruber, John Claggett, Fattie Smith, Jack Jackson, Lula Sanders, George Haskrig, Elsie West, Maria French, Maffy Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Buckman, James B. Berry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gaster, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Graves, Mattie McAdair, Rattie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andrew Park, David Lane, Felix McClain, Henderson Jones, Beile Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lela Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

VERIFIED *Tame Dinby.*
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
J-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Bunk Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Riss, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

Chonteen, Alice J. Grant, Mahaley Ward, Fred D. Thomas, Nellie Ward,
 Willie Warren, Willie Robinson, Mary Warren, Frances Martin, Mary
 Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Doss,
 Malinda Spess, Frank Johnson, Annie Foster, Mary H. Rogers,
 George Washington Jones, John Brown, Samuel L. Young, John Buckner,
 Willie Cox, Edward Bowles, Malinda Marshall, Charles Claggett,
 Michael Irwin, Mary Ross, Maggie Ford, Susan Ford, Ella Ross,
 Elizabeth Jones, Edie Adams, Georgeanna Greer, John Claggett,
 Emma Smith, Jack Jackson, Ella Gardner, George Hendrix, Emma
 Ford, Marie French, Mary Johnson, Maggie Ford, William Hedges,
 George Rogers, Stephen Ballant, Mary David, John Jackson, James
 S. Perry, Isaac Welch, Lemmon Lamb, George Smith, Mary Smith,
 George Adams, John Thomas, Lewis McManis, Emma Ford, Ed
 Roberts, Ma Blair, Robert Dyer, Alice Chambers, John Smith,
 Alice Smith, Ella Blair, Carrie Martin, Margaret Glass, Mary
 Loney, John Smith, Emma Smith, Emma Ford, Emma Ford,
 Frances Rogers, William Washington, Edie Warren, Emma
 Smith, Susan Smith, Margaret Ford, Ella Ford, Ella Smith,
 Henderson Jones, Ella Ford, Levi Smith, John Smith, Emma
 Thompson, Ellen Sheppard and Ella Smith, as Cherokee citizens
 by indenture.

The decision, together with the record of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the Interior for his review and decision. The action of the

RECEIVED BY THE DEPT. OF THE INTERIOR ON THE 11th DAY OF JANUARY 1892

RECEIVED

(SIGNED) *Thomas Bixby*

Jan 11 1892

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
V902-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Lewis, Mary Thomas, Ella Vann, Mary Earthen, Frances Walton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Callie Elder, Ruthen Campbell, Van Jackson Luther, Sannie Middleton, Mary Harlin, Nellie Fields, John Kibbe, William S. Hadden, Jane Bean, Albert F. Yancey, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Hattie Hamley, George Reed, Sr., Buck Ledum, Bell Thompson, Lewis Scott, Mae Scott, Kender Lupton, Thomas E. Allen, Louis Vanderford, John L. Duhin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Sannie Gilbert, William Stagg, Rosie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Leamy, Lucy Shontom,

Alice Durant, Mahaley Ward, Fred B. Thomas, Bettie Beck, Willis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Wilson, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Dugan, Willis Cox, Leonard Swales, Malinda Murrell, Charles Gloggett, Samuel Irvin, Mary Ross, Maggie Hove, Susan Hove, Ella Ross, Elizabeth Duncan, Edie Adams, Sergeant Arthur, John Gloggett, Mattie Smith, Jack Jackson, Ella Sanders, George MacVig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James D. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hairs, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Alice Hunter, Edie Mair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Equire Warren Green, Fannie Galsby, Sarah Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Eliza Sheppard, and Ella Nelson.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1936 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (T. T. D. 3040-1904) in the Leland Wilson case, the approval of the Commission's decision extends to all the applicants so recommended.

Very respectfully,
C. J. LORANCE

Acting Commissioner.

H. M. J.
V.

DEPARTMENT OF THE INTERIOR,

WCT.

D. O. 20877-1905.

WASHINGTON.

FEB.

I.T.D. 2904-1905.

April 17, 1905.

LRS

Commission to the Five Civilized Tribes,

Mustagee, Indian Territory.

Gen the Hon:

JANUARY 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Harkham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Nathan Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Egil Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas B. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Iowa Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Rose, Charles C. Smith, Susie Colbert,
William Stagg, Susie Johnson, Alfred P. Hopkins, Kinzie Vann,
Freddie Deane, Mary Chouteau, Alice Burant, Mahaley Ward,
Fred R. Thomas, Bettie Beck, Ellis Warren, Willie Robinson,
Mary Withers, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Bykes, Larkin P. Fennell, Stephen Dunn, Malinda Vann, Frances
Johnson, Annie Foster, Mary E. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvin, Mary
Rose, Maggie Hare, Emma Hare, Ella Rose, Elisabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hamelrig, Linnie West,
Maria French, Mary Johnson, Maggie Vann, William Hideo N.,
Sark Rogers, Abraham Ballard, Laura David, John Beckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howe II,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Ginter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Leoney, John Groves, Matilda McNair, Bettie Vann,
Helson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Luke Melton.

Reporting to the matter under No. 100, the Indian
Office recommends that your decision be approved. A copy of
the letter is enclosed.

The Department concurs in said recommendation, and
your decision is hereby affirmed.

Respectfully,

(Signed) John F. [unclear]

Acting Secretary

2 Enclosure

COMMISSIONERS:
TAMM HENRY,
THOMAS S. HENDLER,
C. R. BRIDGEMAN.

W. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPIES IN FILE TO THE FOLLOWING:
Cherokee Freedmen
D-1002.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 28, 1905.


Abraham Ballard,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,


Chairman.

COPY.

Cherokee Nation

D-14, et al.

Waskage, Indian Territory, April 20, 1908

Hell,, Hastings & Newport,
Attorneys for the Cherokee Nation,
Waskage, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED, *Jams Bixby*,
Chairman.

COPY.

Cherokee Freedmen

D-44, et al.

Waskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tamm Dixie*
Chairman.

10

07207082

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 17 1901



ACTING CHAIRMAN

RECEIVED

OCT 17 1901

ON FILE

IN THE

OFFICE OF THE

COMMISSIONER

OF THE INTERIOR

WASHINGTON

5
5

NOTE:—"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah

"Lee Cooper,

"Henry Bird,

"William Madden,

"Alonzo Cullen,

"Solomon Foster, Illinois

"William Hudson,

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 17 1901

ACTING CHAIRMAN

I hereby certify
that I have this
day before me
the marriage
ceremony upon
and by law
between the
parties to
said marriage
and in presence
of witnesses
and in full view
of the public

William Ballard

W. Marriage License
03/0/082

Marriage License
to
Abraham Ballard

I hereby certify
that I have this
day performed
the marriage
ceremony requi-
red by law
between the within
parties to
April 5, 1898-

J. B. Mays
Judge. n g c n

Acting Chairman

FILED
OCT 17 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

3
3 } Coomus coomus District
Cherokee Nation

To all whom it may concern. A Petition
has this day been presented to me by
Abram Ballard citizen of the United
States to marry a Cherokee citizen. Signed
by the requisite number of Cherokees.

Therefore be it known that I
D. M. Life Clerk of the aforesaid District by authority
in me vested, do this day issue Abram
Ballard citizen of the United States license
to marry Polly Woodall a citizen of the
Cherokee Nation. In the said Ballard
having taken the oath and complied with
all the requirements of the law, any of the
Judges of this Nation or any minister of the
Gospel of an evangelical denomination is
hereby empowered to solemnize the rite of matri-
mony between said parties, and attach
such certificate to the back of this license
and return the same to this office to be
recorded.

Given from under my hand
officially this the 5th day April 1875.

D. M. Life Clerk

Coomus coomus Dist

Ch. N.

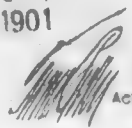
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B.

0701082

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 17 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

Intermarried
CHEROKEE FREEDMEN.

Date *Oct 17, 1901*
Post Office *Wagoner, Ok.*
District *1st*

1. Name *Abraham Ballard* Age *78*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Name of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by *Mr. 1* Stenographer *Lehas von Weise*

Not on any rolls

FD 1032

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902

 ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Arthur Ballantyne,

Wagoner, I. T.

Cherokee - 1-1-1902.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-144
Henry Thomas,	Cherokee Freedmen D-145
Ellis Vano,	Cherokee Freedmen D-146
Mary Markham,	Cherokee Freedmen D-147
Frances Melton,	Cherokee Freedmen D-148
John D. Brown,	Cherokee Freedmen D-149
Mary Jane Vano,	Cherokee Freedmen D-150
Thomas Lowe,	Cherokee Freedmen D-151
Ellis Maynard,	Cherokee Freedmen D-152
Sally Rider,	Cherokee Freedmen D-153
Ruben Campbell,	Cherokee Freedmen D-154
Van Jackson Dunn,	Cherokee Freedmen D-155
Chas. Middleton,	Cherokee Freedmen D-156
Mary Harris,	Cherokee Freedmen D-157
Nelle Fields,	Cherokee Freedmen D-158
John Kinbo,	Cherokee Freedmen D-159
William G. Menden,	Cherokee Freedmen D-160
Jack Deary,	Cherokee Freedmen D-161
Albert F. Thomas,	Cherokee Freedmen D-162
Mary Chapman,	Cherokee Freedmen D-163
Garland Darden,	Cherokee Freedmen D-164
Mervin Asberry,	Cherokee Freedmen D-165
Dave Morris,	Cherokee Freedmen D-166
Alexander Simpson,	Cherokee Freedmen D-167
Amanda Martin,	Cherokee Freedmen D-168
Ellis Martin,	Cherokee Freedmen D-169
John B. Darden,	Cherokee Freedmen D-170
Ben Davis,	Cherokee Freedmen D-171
Samuel Brown,	Cherokee Freedmen D-172
Howard F. Watson,	Cherokee Freedmen D-173
Jack McConner,	Cherokee Freedmen D-174
Made Marney,	Cherokee Freedmen D-175

George Reed, Sn.,
Back Leland,
Bill Thompson,
Lewis Scott,
Abe Scott,
Kasper Johnson,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
John Martin,
Lena Peterson,
Alec Johnson,
Mordha Vann,
John Scott,
Nancy Rice,
Charles G. Smith,
Saul Colbert,
William Shaffer,
Saul Johnson,
Alfred P. Hopkins,
Katie Vann,
Frankie Loney,
Larry Chontong,
Alice Durant,
Mabel Ward,
Fred D. Thomas,
Bettie Book,
Ella Warren,
Minnie Robinson,
Mary McHenry,
Frances Martin,
Mary Riley,
Emmanuel Taylor,
Harry Sykes,
Larkin P. Powell,
Stepney Davis,
Melinda Vann,
Frances Johnson,
Apple Foster,
Mary H. Hagan,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D-382,
 Cherokee Freedmen D-403,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-430,
 Cherokee Freedmen D-431,
 Cherokee Freedmen D-433,
 Cherokee Freedmen D-434,
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 Cherokee Freedmen D-692,
 Cherokee Freedmen D-696,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-732,
 Cherokee Freedmen D-734,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-755,
 Cherokee Freedmen D-756,
 Cherokee Freedmen D-760.

Gustaf Lehtinen
 John Erickson
 Willie Thompson
 Leonard Harrison
 Malinda Marshall
 Charles Chaggett
 Samuel Ivers
 Mary Bacon
 Maggie Nave
 Emma Nave
 Elbi Hottel
 Elizabeth Duncan
 Sofia Adams
 Georgeina Archer
 John Chaggett
 Nettie Smith
 Jack Jackson
 Lois Sanden
 George Haeleig
 Linda West
 Mark French
 Mary Johnson
 Maggie Vann
 William Hudson
 Sarah Rogers
 Abraham Ballard
 Laura David
 John Deakman
 James B. Perry
 Isaac Webb
 Emma Logan
 George Harrell
 Henry Meade
 George Adams
 Annie Thomas
 Louis McConnell
 Collie Vann
 Lou Palm
 Ida Adair
 Robert Brown
 Alice Chambers
 Ann Jones
 Alice Guntan
 Katie Adair
 Carrie Martin

Cherokee Freedmen D—764,
Cherokee Freedmen D—780,
Cherokee Freedmen D—784,
Cherokee Freedmen D—793,
Cherokee Freedmen D—799,
Cherokee Freedmen D—799,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—874,
Cherokee Freedmen D—880,
Cherokee Freedmen D—881,
Cherokee Freedmen D—912,
Cherokee Freedmen D—922,
Cherokee Freedmen D—929,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1104,
Cherokee Freedmen R—79,
Cherokee Freedmen R—85,
Cherokee Freedmen R—88,
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Cherokee Freedmen R—88,
Cherokee Freedmen R—91,
Cherokee Freedmen R—94,
Cherokee Freedmen R—96,
Cherokee Freedmen R—99,
Cherokee Freedmen R—109,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—106,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
Eddy Libbey,
John Glover,
Matilda McNair,
Belle Vandy,
Nelson Lett,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldsby,
Bessie Daniels,
Anderson Pack,
David Lane,
Felix McCham,
Henderah Jones,
Belle Vana,
Levi Stroud,
John Swamper,
Matiah Thompson,
Ellen Sheppard,
Lula Milton.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Maysfield for his wife, Ella Maysfield; by James Rider for his wife, Sallie Rider; by Deacon Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Ocie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William M. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Munley for herself; by George Reed, Jr. for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

The record further shows that none of the applicants herein make any claim to enrollment as one of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 331).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Hattie, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Baxton, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Sallie Gilbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Hattie F. Feltwell, Stephen Datta, Malinda Vann, Francis Johnson, Annie Foster, Mary H. Rogers, George Washington Labe, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowler, Melinda Marrell, Charles Claggett, Samuel Ivey, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Anchor, John Claggett, Hattie Smith, Jack Jackson, Lufa Sanders, George Harshig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Meier, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington,

Agnes Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Leno, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Lou Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 22, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



MAR 1905
REGISTERED
MUSKOGEE, IND. TER.

Abraham Balla
Wagoner, Indian Territory.

RETURNED
TO WRITER
FROM
WAGONER,
IND. T.

10649

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165
UNCLAIMED



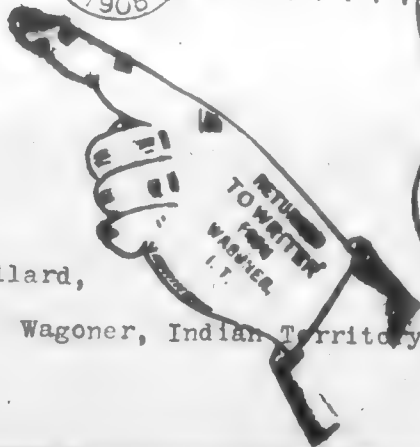
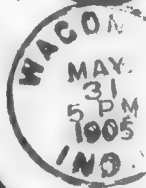
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Abraham Ballard,

Wagoner, Indian Territory.



C.D. 1082.

Cher. Fr. R 803

Trans. from Cher. F.D 1085

Cher. Fr. R. 803

Continued

scribes.
and that same is a true and complete copy of the original from
Commissioner to the Five Civilized Tribes as he made the original copy
K.D. Green, being first and foremost, as an stenographer of the

(2nd)

Sworn to and subscribed

DEPT. OF THE INTERIOR
THE FIVE CIVILIZED TRIBES
FILED

1901

Notary Public.

(Signed) K.D. Green,
Notary Public.

fine and complete transcript of his stenographic notes thereof.
proceedings and testimony in the above case, and the testimony of
Commissioner to the Five Civilized Tribes he corrected, recorded, &
Bruce C. Jones, being duly sworn, says that as stenographer at to the

My house last fall.

I was two miles of her house about three years ago and I was with
I have not seen her since and I have not seen her since I was with
I told her I lived up close to her house.
He she was living at the house of the agent of the Five Civilized
C Where was that? I said I was at the house of the agent of the
A No sir.
C I didn't see her and I didn't see her since I was with her.
C Do you know where she was and where she was?
C Yes.

Before I was sworn and filed, I was with her and I was with her
C How long was that? A As well as I can remember, I was with her
C I don't know how long I was with her.

File with C.F. D-1085, King David.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Joann Taylor for enrollment as a Cherokee Freedman; said Taylor being sworn and examined by Commissioner T.B. Needles, testified as follows:

APPEARANCES:

Mr. J.B. Sequichie, Agent for applicant;
Mr. W.W. Hastings, Cherokee representative.

- Q What is your name? A Joann Taylor.
Q How old are you? A 50.
Q What is your post-office? A Range.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll as besides yourself? A Three children.
Q What are the names of your children? A David.
Q David what? A Taylor.
Q How old is he? A About 14.
Q The next child? A Timmie.
Q Boy? A Yes, sir.
Q Well, how old is Timmie? A He is ten.
Q The next one? A Night.
Q What is the next one's name? A Arlie.
Q Are these four children you give in here? A No, sir my sister's children.
Q How many children have you got? A Two.
Q Give me the names of your children? A King David.
Q How old is King David? A 30.
Q Have you got any children of your own under 21 years of age? (has not).
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Kerns-Clifton.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Henry C. Taylor.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A Bill Lindsey.
Q Was he a Cherokee Indian? A Yes sir.
Q Well, did you go out of the Nation during the war? A No, sir.
Q Stay in the Nation all the time? A Yes, sir.
Q Always lived here? A Yes sir.
Q Why is not your name on the roll of 1880? A I don't know, somehow I didn't get my name on.
Q Have you got any witnesses? A Aunt Polly Nivens.
BY MR. SEQUICHIE:
Q Mrs. Taylor, what year were you married to Henry Taylor?
A I could not tell you, we have been married about 21 years to the best of my knowledge.
Q You say you belonged to William Lindsey? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Were you ever out of the Cherokee Nation? A No more than just go out to trade or something like that.
Q Where did you go? A Over to Fort Smith.
Q How long did you stay there? A Some times stay all night and day.
Q Is that all? A Yes, sir.
Q Never was out of the Cherokee Nation to live? A No, sir.
Q Do you know the reason why you are not on the 1880 roll?
A Well I was out I think; now if I make any mistake it is just my own neglectness, being cooking, waiting around in the house and didn't come down to it.
Q What were you cooking for, do you remember who you were working for during that enrollment in 1880? A I was working for, if I make any mistake, I won't be certain.

Q Were you in the Cherokee Nation at the time? A Yes, sir, I was.
Q Where were these children both that you speak of that are of age?
Q One was born up here on Four Mile Branch and the other was born on what we call Indian Creek, some calls the Greasy Valley.
Q You are on the Kern-Clifton roll? A Yes, sir.
Q On the Wallace roll? A Yes, sir.

The 1880 authenticated roll and 1896 census roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 160 #3960, Joann Taylor, Sequoyah District.

BY COM'R NEEDLES:

Q What was your father's name? A They said his name was George.
Q What was your mother's name? A Siney Lindsey.

Q Did she belong to the same owner you did? A Yes sir, belonged to his mother.

Q Where were you born, Joann, do you know? A No, sir; I don't know where there about the old place.

Q Were you born in the Cherokee Nation? A Yes, sir.

BY MR. HASTINGS:

Q Where were you living when the war come up? A I was living on Indian Creek.

Q What part of the Cherokee Nation was that? A Well some calls it Greasy Valley and I don't know what it is more than I know that it went by the name of Indian Creek and some calls it Greasy Valley.

Q When did you go to Fort Gibson after the war?

A I went to Fort Gibson just right after the war, we come down from Indian Creek out on the Four Mile Branch, that is on the old place.

Q Well was the old place on Four mile Branch? A Yes, sir, that is what it was always called.

Q Well, then you lived on Four Mile Branch before the war?

A No, sir, just after the war, after the war, now.

Q Why do you call it the old place? A Well, because Master Bob lived on it.

Q Bob who? A Dr. Lindsey.

Q Well was that your master? A No, sir, he was not my master, he was my mistress' son, one of her sons.

Q Named Bob Lindsey? A Yes, sir.

Q Well, now your mistress lived on Indian Creek, or Greasy Valley, before the war? A No, I don't know she lived on there, she lived on this old place, we lived up there.

Q Who did you live with? A Bill Lindsey.

Q Was that her son? A He was her son, Bill Lindsey.

Q Well did your old Mistress have any other children?

A She didn't have any other one that I know of.

Q What? A Not as I know of; there was one I remember he had one named John, but he died when I can't recollect, he died and that is all the children I remember.

Q Well, was Bill married? A Bill Lindsey had children.

Q Well, was he married? A Yes, sir.

Q What was his wife's name? A Nasallie.

Q What was her children's names? A John and Bettie and she was a blind girl.

Q And they lived on Indian Creek? A Yes, sir.

Q Well who were your neighbors down there? A I could not tell who all was our neighbors, I can tell you some of them.

Q That is what I want to know? A Mr. Pershars and Mr., - I can't think of his name, Mr. Smith, Bill Smith, I believe they called him, he lived up there closest around I know anything about, you know I was small and I was in the house.

Q Well, what kind of a house did Bill Lindsey live in?

A Now, Mr. Hastings, you swore me to tell the truth.

- Q Well, just answer the question? A I don't know any more than we just lived in a log house.
- Q Do you remember a place they call Dora, Arkansas? A Down here?
- Q Yes? A Yes, sir, I live close to Dora now.
- Q Well, where were you married first? A First time I was married?
- Q Yes? A First time I was married right in across the river in the Choctaw Nation.
- Q Well, at what place? A It is called Mr. Welch's place at my auntie's.
- Q Where was that child Parlee Mason born? A He was born up here on Four Mile Branch.
- Q You have got a son-in-law by the name of Smyers? A Yes, sir.
- Q Did he marry one of your daughters? A Yes, sir, he married Parlee.
- Q Where was he and Parlee married? A Just down there across the river.
- Q Down there? A Went down to Van Buren and married.
- BY COM'R NEEDLES: Van Buren, Arkansas? A Yes, sir.
- BY MR. HASTINGS: Well you were living down there at that time?
- A No, sir, I wasn't living down there.
- Q Did you hear him give his testimony in before the Kern-Clifton Commission? A No, sir, I didn't, I wasn't there. I know he give it in; he give it in because he was married and they separated. He done that to try to destroy her.
- Q Did your Mistress have a son by the name of Jim? A No, sir.
- Q Didn't you testify before that she had a son by the name of Jim? A No, sir, I didn't.
- Q What do you say her first name was? A I said her first name; no, I never did tell you what her first name was, I don't know her first name.
- Q Haven't you testified to it, whether it was Mary Jane or ~~not~~ what?
- A I said her name was Sallie Lindsey.
- Q Didn't you testify before that you lived up North of Fort Gibson before the war? A Just in time of the war?
- Q Didn't you testify that before? A We come down here in time of the war.
- Q From where? A From Greasy Valley.
- Q Did you ever know Polly Nivens before the war? A It was in time of the war.
- Q That was when you first knew her? A Yes, sir, down at Fort Gibson.
- Q Did you know her after the war? A Yes, sir, I have been with her a heap since the war.
- Q Now, where were you when the war closed? A I was out up there somewhere at the old place, staying with man by the name of Foster; I don't know what his name was, that was up there at the old place when Bill Lindsay come up there and wanted to carry up to Brushy.
- Q That was before the war? A Yes, sir.
- Q Well now how long did you live on Greasy Valley after the war?
- A I don't know how long we stayed; didn't stay up there after the war; we come down here after the close of the war.
- Q Where did the close of the war find you? A On the Four Mile Branch.
- Q With whom were you living at that time? A We was staying right on the old Master Bab's old place.
- Q Master Bob Lindsay's old place? A Yes, sir.
- Q He was there? A Yes, sir.
- Q His mother was Sallie? A No, sir, his mother was Sarah.
- Q Well, now, who were you living with at the close of the war?
- A We was staying right there with, I don't know, who was staying on the place.
- Q Who was you living with? A I was staying with the man who stayed on the place.
- Q What was his name? A I told you before I don't know what his name was.
- Q How long did you stay with him; was he a white man or colored man?

A He was an Indian.
Q You were living with him there and don't know what his name was?
A I don't remember what his name was.
Q How long did you stay with him? A I stayed there four or five years on the place.
Q Just you and that man? A No, sir, I went to town and stayed around nursing, staying backwards and forwards.
Q Did that man have a family? A I don't know whether he had a family or not; he had a woman living with him, she was a negro.
Q What was her name? A Her name was Jane.
Q Jane what? A All I know we called her Aunt Jane.
Q You don't know the rest of her name? A No, sir.
Q Did she have any children by him? A She had one.
Q What was its name? A Rachel.
Q Do you know the rest of its name? A No, sir.
Q What kind of a house did they live in? A We lived in a double log house.
Q How far from Fort Gibson? A Four mile.
Q What direction? A North.
Q On which side of Grand river, east or west? A It is on the North side of Grand river.
Q Yes, but Grand river runs pretty near North and South up there?
A It is on this side of the river.
Q On the opposite side from Fort Gibson? A Yes, sir.
Q That is where you lived was it? A Yes, sir.
Q How far from the river? A Wasn't so very far, I could not tell you exactly, because I can't remember, I never paid any attention.
Q You lived there three or four or five years? A We stayed there four or five years I reckon.
Q Did you have any neighbors around there? A Yes, sir.
Q Who lived about? A There was Mar. Johnson, man named Johnson.
Q What was his first name? A His name was, I don't know exactly what his name was, I don't know.
Q Your mother wasn't up there with you at that time.
A No, sir.
Q No other members of your family were with you up there? A Nobody but me and my sister.
Q What was her name? A Tempa.
Q Is she older or younger than you? A She is younger.
Q Is that man Johnson a white man or colored man, or Indian?
A He is an Indian.
Q Did he have a family? A I don't know whether he had a family or not, I told you he had a colored woman.
Q I mean Johnson did he have a family? A Yes, sir, he had a family.
Q Do you know what his wife's name was? A No, sir.
Q Did you know any of his children? A No, sir, I didn't.
Q Well, what were you doing up there at that old place? A I was about doing just like a heap of other people when I get a chance to run about I run about, I didn't have any continue home.
Q When did you ever keep house after the war? A I never kept house until I married.
Q When did you marry, how long after the war? A About three or four years.
Q You married down there across the river in the Choctaw Nation?
A Yes, sir, I did.
Q Have you ever been married more than one time? A I have been married twice.
Q Where were you married the second time? A I married down at Fort Gibson, just below Fort Gibson bottom.
Q On which side of the river? A On this side.
Q When? A It has been about 20 years ago.
Q Where did you and your first husband first keep house? A We kept house? A I stayed at Aunt's a while, her man, for he went off,

- and I stayed with my aunt about a year.
- Q Where was your aunt's? A It was in the Choctaw Nation.
- Q Your aunt lives there? A Yes, sir.
- Q Well where did you move when you moved from there? A I moved up here on what is called Lees Creek.
- Q Well how long was that after you married? A I don't know how long it was, Mr. Hastings.
- Q Well about how long? A I reckon it might have been a year after I was married.
- Q Was it twenty? A No, sir because he didn't live twenty, didn't live but three years.
- Q Where did he die? A He died down there.
- Q Where? A Close up on Lees Creek there.
- Q On whose place? A We lived near the old brother Johnny Hall, I don't know whether it was his place.
- Q Bob Canico, you knew that fellow didn't you? A Yes, sir.
- Q You were living in there close to him? A Yes, sir, I was living there when he died, he didn't die there.
- Q Where did he die? A He went to Kansas and died before he got back.
- Q Where did he die? A He died somewhere up there about I reckon it might have been in Kansas, I don't know, about there somewhere.
- Q Were you with him? A No, sir; I wasn't never have saw him from that day to this if he lived.
- Q How long had he been away from you when he died? A He has been away about a year.
- Q Now, who knows you lived on Lees Creek? A I know lots of them.
- Q Well, tell me some of them so I can put it in the record?
- Q I don't know who here knows it except my aunt, she is not here.
- Q She lives in the Choctaw Nation? A Yes, sir, I told her I was going up there.
- Q How long did you live on Lees Creek? A I didn't stay up there long until I come back.
- Q Well, about how many years, a year? A No, sir.
- Q Six months? A I don't know.
- Q Well, where did you go after you left Lees Creek?
- Q Went to Fort Gibson.
- Q Now, you went near Fort Gibson? A I come back to old Brother Aaron Johnson.
- Q Now, what direction and how far from Fort Gibson did Aaron Johnson live? A About four miles.
- Q What direction? A Out North.
- Q Now on what side of Grand river did Aaron Johnson live? A On the same side I lived.
- Q Do you mean on the opposite side from Fort Gibson? A Yes, sir, it is on the opposite side, you know, next to Fort Gibson.
- Q On the same side of the river Fort Gibson is on or on the opposite side from Fort Gibson? A I would call it on the right hand side; the river is on the left hand side of Fort Gibson come up that way (indicating.)
- Q Did Aaron Johnson live on the same side of the river Fort Gibson is on or on the opposite side? A On the opposite side.
- Q Right by Fort Gibson? A Yes, sir.
- Q How long did you live there? A With Uncle Aaron, I stayed there a long time, I don't talk because I could not remember.
- Q Well, about how long, I don't know.
- Q Number of years? A I don't know.
- Q Six months? A I don't know.
- Q Well, did you stay there six weeks? A Yes, sir, I stayed there six weeks.
- Q Well, where did you stay there six months? A I don't know.
- Q Well, where did you go from Aaron Johnson's? A When I left Aaron Johnson I come back down here on the river down there in the

bottom what is called Webbers Falls.

Q Well who did you live with down there? A I went down there and married this man I got now.

Q How many years ago is that? A About twenty years ago.

Q You married in the Webbers Falls bottom did you? A Yes, sir.

Q Who married you? A Mr. Chastine

Q Was he a colored man? A No, sir, he was an Indian man.

Q Cherokee was he? A I guess so.

Q What town did he live in? A I don't know, he was there picking cotton.

Q He was a preacher and Indian and picking cotton? A He was picking cotton.

Q On whose place? A I don't know.

Q On whose place were you living when you married? A I don't know, I went down there and married this man; he was working on the river running the river, I could not tell.

Q Now, whose place did you, commence to live on right then?

A I didn't live on anybody's place, we lived on the water until he got back up there to Gibson and I went out there just one place to another.

Q Now where did you first commence living in a house with him, this last husband? A I commenced there about Gibson at Uncle Aaron's.

Q You only stayed with him about six months, where did your first first commence keeping house with him? A We commenced keeping house down there in the bottom.

Q And you don't know whose place it was on? A No, sir.

Q Don't know who lived around there? A No, sir, because in them days I didn't know.

Q Now as a matter of fact you lived in Arkansas didn't you?

A No, sir, I didn't live in Arkansas.

Q And this girl, Parlee, was born in Arkansas? A No, sir.

Q She was married in Arkansas? A Yes, sir.

Q And you were living down there and had been for years when she was married? A No, no, no; you bring William up and he will speak for himself, he married that gal.

Q Where did you know Polly Nivens, did you live with her after the war? A I worked for her.

Q What did you do? A Washed dishes; she was there at the time the people was ordered out of there.

Q What for? A I don't know what; they was going out for something, but I don't know what it was, for the cholera or what it was, they all had to go out of Fort Gibson.

Q Where was she living at that time? A She was there in a boarding house ~~is~~ all I can tell you.

Q Was she working in the boarding house or running the boarding house? A She was working in the boarding house.

Q Do you know who was running the boarding house? A No, sir.

Q Was that in the fall, spring or winter? A It was in the winter and I stayed there all the winter.

Q You don't remember anybody else you saw there at all?

A Yes, sir, I seen people coming in and out all the time.

Q Don't remember any of their names? A No, I aint going to stand for any body's names unless I know them.

Q You didn't have Polly to testify for you before? A No, sir; you know the man I had then.

BY MR. SEQUICHIE:

Q All this time during the war, the time you were in Fort Gibson and up to the time you were married and the time your husband left you and you knew Polly Nivens, was in the Cherokee Nation? A Yes, sir.

Q Now, in speaking about living four miles north of Fort Gibson, in going from Fort Gibson to where you lived did you have to cross Fort Gibson? A No, sir, just going right up.

Q That was in the Cherokee Nation was it? A Yes, sir.

BY COM'R NEEDLES: Did you ever live in the State of Arkansas? A No sir, I ain't.

BY MR. HASTINGS: Did you ever work there? A Yes, sir, I have went out and come in.

Q Where did you work in Arkansas? A I just go in there and stay a day or two at a time.

Q Well, what town? A Fort Smith.

Q Well, what other place? A I ain't been to no other place.

Q Do you know Jim Reynolds at Benge, Indian Territory? A Yes, sir. He knew you in Arkansas didn't he? A No, sir, he didn't.

Q Well, when did you get acquainted with him? A I got acquainted with him right there in the Cherokee Nation, first time I ever seed him.

Q Before or after the war? A Here away since the war.

Remainder of application reported by stenographer M.D.Green.

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this 2d day of July, 1901.

(signed) C.R.Breckinridge,

Commissioner.

This case continued from notes of J.O.Rosson, stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Joann Taylor for the enrollment of herself.

POLLY NIVENS, being sworn and examined by Commissioner Needles, testified as follows:

Appearances:

Jo. Sequichie, agent for applicant;

W.W.Hastings, Cherokee Representative.

Q What is your name? A Polly Nivens.

Q How old are you? A 56 years old.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q Acknowledged by the Cherokee authorities? A Yes, sir.

Q Do you know Joann Taylor? A Yes sir.

Q How long have you known her? A Just since Peace was made.

Q Where has she lived since that time? A She has lived around Ft. Gibson just after peace was made awhile, and when the cholera broke out they ordered us all out of Gibson, and I went out in the country to my mother's and she went to Four Mile Branch, and I saw her for awhile after that around Gibson, Ft. Gibson, working and after that I don't know.

Q Who did she belong to? A She belonged to Mr. Taylor, she said.

BY MR. SEQUICHIE:

Q You knew her right after the war? A Yes sir.

Q Where did she come from to Ft. Gibson? A She said she come with the refugees; there was a whole lot of the refugees.

Q Whereabouts did she stop the first time she got up to Fort Gibson? A She stopped on the hill with aunt Mariah Wickett, Ft. Gibson.

Q Did she make any permanent home there that you know of?

A No, sir, not in Gibson; she was ordered away from Ft. Gibson when the cholera got so bad, and she went on Four Mile Branch, and the next time I saw her she said she had a home on Fourteen Mile Creek.

Q You know who she lived with in Ft. Gibson? A With aunt Mariah Wickett, part Cherokee and part mixed.

Q Did you ever know Aaron Johnson, who lived about four miles from there? A Yes sir.

Q Was he a darkey? A Yes sir.

Q Freedman? A Yes sir.

Q Have you known her continuously from that time on to the present?

A Yes sir, but I haven't saw her for a good many years.

Q Have you heard of her? A Yes sir, I heard of her down in Sand town but I haven't seen her.

BY MR. HASTINGS:

Q She was living at aunt Mariah Wickett's when you knew her? A Yes sir. Up on the hill in old town.

Q Was her mother living with her? A Yes sir, she said her mother was living with her.

Q That was after the war? A Yes sir, just after the war.

Q What was her mother's name? A I forget her mother's name.

Q You know her father's name at that time? A Yes sir.

Q What was her father's name? A I didn't know her father.

Q Did you ever hear her say what her father's name was? A Yes, sir, she told me her father's name, but I have forgotten it.

Q Named Taylor? A I think she called him a Taylor.

Q You don't know what his first name was? A No sir, I don't recollect that.

Q You remember the last name was Taylor but you don't remember his first name? A No sir, she was working close to me when I seen her.

Q Who was she working for? A Mr. Bowers, Lewis Bowers; he was a white man and she was part Cherokee, his wife.

Q How long did she work there? A About three months just often and on, two or three weeks at a time.

Q Where would she go up to Aunt Mariah Wickett's? A Yes sir.

Q You saw her at aunt Mariah Wickett's? A Yes sir, said to be her mother.

Q That was after the war? A Yes sir, that's all I know about it.

Q You say she came back with the refugees? A Yes sir.

Q Where from? A I don't know where she came from the south or north, when I saw her she was standing up there with a whole lot of refugees, and I said you darkies just getting in.

Q Where did she say she was from? A I don't know, she came from either north or south, I didn't ask her, she said she just got in.

BY GONOR WHELAN:

Q How do you know she just came from the north or south? A She said she just got in with the refugees.

BY MR. HASTINGS:

Q You saw her there working around three or four months? A Yes sir.

Q And after that time you didn't see her for a good long while?

A Yes sir, I saw her once, she went on Four Mile Branch; we wasn't allowed to go to Gibson.

Q That was during cholera time? A Yes sir.

Q On whose place did you see her on Four Mile Branch? A At the church.

Q Who was preaching? A Old uncle Nathan Tynes.

Q Where was the church house? A I don't know, it was on Four Mile Branch that was a log house they built there.

Q Good big crowd there? A Oh yes, there was many darkies moved there at that time from the cholera.

Q You don't know who she was living with there? A No sir, I never asked her.

Q Did she have any brothers or sisters? A I don't know that, me and her was living together part of the time, sleeping together, that's how I come to get acquainted with her; she would live with me awhile and I would live with her awhile.

Q Did you testify for her before the Kern Clifton Commission? A No sir.

Q What are you doing up here? A My sister is up here, and she sent for me to help her and I am up here to help her; she sent for me.

Q You never knew of her keeping house down around Mt. Gibson along there? A Not by herself.

Q How long after she was married? A No sir.

Q You don't know where she was married? A No sir.
 Q When you first knew her she went by the name of Taylor? A Yes sir.
 Q She went by the name of Joanna Taylor? A Yes sir.
 Q That when you knew her in '66? A Yes sir, I just called her Joanna Taylor, I didn't know her husband.
 Q You don't know what her husband's name was afterwards? A No sir.
 Q You are certain about what her name was then? A Yes sir.
 Q You never changed her name, you didn't know her husband's name?
 A No sir, I never asked her nothing about it at all.

EASTER WILLIAMS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Easter Williams.
 Witness: I only got acquainted with her during the Kern-Clifton court, I couldn't help her.
 Q About the first time you ever saw this applicant was during the Clifton court? A Yes sir.
 Q Do you know where she has been living since that? A No sir.
 Q You just got acquainted with her then? A Yes sir.

BY MR. HASTINGS:

Q Where did you live before the war? A In the Cherokee Nation, in Flint.
 Q How far is that from Greasy Valley? A I couldn't tell you.
 Q Greasy Valley runs right down through Flint don't it? A I don't suppose it do run right down through I guess it runs near Sally Bark's old place, Mrs. Campbell's house, Sam Chambers and George Chambers.
 Q How far did you live from Greasy Valley? A I couldn't tell you, I lived close to George Chambers and Sam Chambers, everybody knows me in this Cherokee nation.

POLLY NIVENS, re-called and further examined:

BY COM'R NEEDLES:

Q By what name did you know this woman when you knew her at Ft. Gibson? A Joanna, after her master's name.

Q Joanna what? A

BY MR. SEQUICHIE: Lindsey.

A Witness: Joanna Lindsey.

Q Did you know her then by the name of Taylor? A No sir.

Q When did you hear of her going by the name of Taylor?

A I don't know, it was a long time afterwards.

BY MR. HASTINGS: The representatives of the Cherokee Nation desire to call attention to the fact that this witness was excused and another short witness put upon the stand, and then the witness re-called and correcting this statement after the name of Lindsey being given by the agent for the applicant.

BY MR. SEQUICHIE: The agent denies the statement of the representative of the Cherokee nation.

COM'R NEEDLES: The Commission is satisfied the witness made a mistake, and the Commission has a right to call any of these witnesses back, and the opinion of the Commission is that the witness stated the word Taylor by mistake.

Com'r Needles: Joanna Taylor applies for the enrollment of herself; she is not identified upon the authenticated roll of 1880 or the census roll of 1896; she is duly identified upon the Kern-Clifton pay roll; she avers that she was a slave of one Lindsey, and she never removed from the Cherokee Nation; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be notified by mail of the decision of the Commission in her application.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green.

Subscribed and sworn to before me this June 26, 1901.

(signed) T.B. Needles,

Commissioner.

-R-

C.F. D-778.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 17, 1901.

In the matter of the application of Joann Taylor for enrollment as a Cherokee freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

J.R. Sequichie, agent for applicant;

W.W. Hastings, of counsel for Cherokee Nation.

DELLA PETTUS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A My name Della Pettus.

Q Where do you live, what is your post-office? A Pawpawa

Q In the Cherokee Nation? A Yes, sir.

Q How far is that from Fort Smith? A They call it about six miles west of Fort Smith, this side of Fort Smith? A No, Fort Smith is down the river you know.

Q Well, you are over on the Territory side? A Yes, sir, I is.

Q How old are you? A Oh I don't know, I have been here so long;

my mammy told me I was a baby- I am so old I hate to tell you- my

mammy told me I was a baby in the cradle when them first stars fell, in old Virginia, and my head aint so white from that time.

Q You were born in old Virginia, then? A Born in old Virginia, belonged to the Pettuses.

Q When did you leave Virginia? A I left Virginia when I was about this high; handed ~~hand~~ bread around the table in slave time.

Q Four, five or six years old? A I expect older than that.

Q When you left over there? A Yes, sir.

Q About ten years old? A Yes, sir.

Q You left Virginia before the war? A Well I reckon I did, I remember the Mexican war before this war, I remember it very easy.

Q Where were you living when the war come up? A Down in Little River County.

Q What state? A In Arkansas, down south in Little River County.

Q What town was near you? A Town they called Paraclyftie.

Q Well, were you living there after the war; where were you living after the war? A Why we lived right there till the Feds. came down and freed us and told me we had to go and work for ourselves.

Q Where were you living after the war? A After the war, the second year we came up here.

Q Up where? A Up here on Arkansas river close down there to Flat Rock.

Q That was in Arkansas though? A Yes, sir, that was in Arkansas.

Q Well the second year after the war you moved from where you were living in Arkansas to another place up above in Arkansas? A Yes, sir

Q Now to what town did you move the second year after the war? A We came here near Van Buren.

Q How far below Van Buren was that? A We went down to old Col. Knox and picked cotton.

Q How far from town, how many miles? A I don't know how far, the old Rector place, about eight or ten or twelve miles below Van Buren.

Q Below Van Buren? A Yes, sir, about ten miles.

- Q Do you know Joann Taylor, a colored woman, who is living there-
A On Garrison Creek.
- Q That is near the post-office they call Bengé? A I don't know where they call Bengé, but I am near enough to the railroad to hear the train whistle.
- Q Do you know this woman? A Yes, sir, I know her well.
- Q Now how long have you known her? A Been knowing her twenty years ago I been knowing that woman, me and her belong to the same church, sat in the amen corner together.
- Q Where at? A In the Baptist Church, in a little church they call the Saint Paul Church.
- Q Was that down below Van Buren? A Yes, sir.
- Q And you moved up there the second year after peace, A Yes, sir.
- Q Was she living up there then? A She was living on a little bottom they called the Jack Brown bottom, and he lived up there and after the war he moved to Van Buren, because we have been to his house many a time since he moved.
- Q Did you know this woman down there, Joann Taylor? A Yes, sir, I knew her.
- Q What was she doing down there, A I don't know, just knocking around trying to make a living like the rest.
- Q She lived down in that neighborhood? A Yes, sir, lived in the neighborhood and all around in the bottom, got tired of one place and moved to another just like I did.
- Q How long have you been up here in the Territory? A I been up here about ten years.
- Q Which one of you left down there first, which came to the Territory first? A I came up here first.
- Q Well, now, if I understand you right, you knew her down there in that neighborhood below Van Buren from the second year after the war up till the time you left there about ten years ago? A Yes, sir, and knowing her now and seeing her now and then now.
- Q Did you ever hear her say anything about belonging up here in this country? A Never heard her say anything about it, talk about she belonged to the Indians, till I heard Smyers, I can't tell you what her son-in-law's name was, was at my house one day and he was talking to her brother-in-law, and during this talk.
- Q You knew him? A Yes, sir.
- Q You never heard her talk about it till Smyers said something about it? A No, sir.
- Q Where did Smyers marry her daughter? A Down on Littlejohn's lease.
- Q Did Joan Taylor have any other children down there, Had a boy they used to call Lincoln Taylor, and since he come up here they call him Davis, or something of another.
- Q Chanced his name? A We used to call him Lincoln Taylor and they call him Lincoln Davis.
- Q Have any other children? A Never knew her to have any but them.
- Q Them two? A Yes, sir, and then her sister died, she went down there and got her sister's children, two or three, I don't know, but I seen her with them.
- Q What was her sister's name? A I don't know; her sister died way down there somewhere.
- Q In Arkansas? A Yes, sir, I think it was in Arkansas.
- Q You don't know who she belonged to before the war? A No, sir; I don't know anything more about her owners than these people, don't know who she belonged to.
- Q Did she have any husband down there? A Had an old man she called Doctor Taylor and I reckon she got him now.
- Q Did you see him up here? A Yes, sir.
- Q Same man she lived with down there? A Yes, sir, his home was there but I don't know whether she was married to him.
- Q Don't know whether she married him or not? A No, sir.
- Mr. Sequichie Auntie, where do you live, you say? A Down on Joe Bowers place.

Q How long have you been living there? A Moved there a little after Christmas.

Q When, this last Christmas? A Yes, sir.

Q Where did you move from? A Moved from right across the road into his field.

Q How long have you been in the Cherokee Nation? A Been here about ten years.

Q Where did you come from then? A Came from below Van Buren.

Q How long did you live there? A Now I can't tell you, I lived there so long I got tired and ashamed and come out.

Q What makes you remember so well you came here ten years? A It was nearly about ten years, because I have a boy at home is a good scholar, and I was asking him how long we been up here, and he set down and called it off to me.

Q He didn't tell you how long he lived in Van Buren? A No, sir, because he was a little boy himself when he came there; I went to work and made him go to school so he could learn it.

Q Where did you come from to Van Buren? A Come from out of Little River County away down south.

Q Did you live down there? A There is where the yoke was took off the neck down there.

Q How far south was that? A Close by a little town they call Paricliftie, down in the Little River bottom.

Q Did you live there? A Yes, sir.

Q Live in a house of your own? A No, sir, lived with the white folks.

Q How long did you live with the white folks? A Well we were freed I think they told us we were freed either in July or August, and the white people asked us was we going to leave them and I told them no, we were going to stay and help them gather the crop and put everything by before we left.

Q When was that? A A little after we were freed.

Q How long after you were freed did you leave up there? A We left there, we made a corn crop and in the fall we moved away from up there time early enough to pick cotton.

Q After you were freed? A Yes, sir, we made a little corn crop and gathered a little cotton crop and when we got up here there was frost.

Q Then the time you were freed and after that, the fall after that, is when you came up here, is it? A Yes, sir.

Q And have you been up here ever since? A Yes, sir.

Commission: You mean you went to Van Buren? A Yes, sir, went through Van Buren and went down in the bottom, but we go to Van Buren to do our trading.

Mr. Sequichide you know what year it was you were freed? A No, sir, I don't know, I wish somebody would tell me.

Q Talking about this Joann Taylor, how long after you were freed before you saw her there close to Paricliftie? A Well, I first knew Joann Taylor, it was in the second year of the surrender, she was living at a little house they call the Jack Brown place.

Q The second year after the surrender? A Yes, sir.

Q Where was that? A It was below Van Buren, about two miles and a half, right across Flat Rock.

Q Did Joann Taylor and her husband live there at that place? A Lived right there together then.

Q Were they keeping house? A Yes, sir, keeping house; she wanted me to go to the house; there was where she lived; and I told her the old man was ready to go.

Q Go to where? A So home, we had been to church.

Q Do you know whether they lived in a house of their own or rented house? A They rented ground from Jack Brown, just like anybody rented ground.

Q Where was it that Joann Taylor married? A I don't know where she married.

Q Was she living with this gentleman at that place? A Yes, sir, living with this white man.

Q How long had you lived up in the Cherokee Nation before you saw her again? A Well, I came up here and I could see her most any time I wanted to when I went to Fort Smith.

Q After you moved up here, moved to Van Buren? A I didn't live in Van Buren.

Q Then after you moved to Pawpaw or wherever you live now? A Live now on old man Joe Bowers' place.

Q After you moved up there, how long was it before you saw Joann Taylor again? A I tell you I see her most any Saturday when I went to town when she came in.

Q Come in from where? A Came in from Garrison Creek, or somewhere out there where she lived. Joann Taylor is no more than one of my children, I have been knowing her so long.

MALLIE YOUNGBLOOD, her appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Mallie Youngblood.

Q What is your post-office? A At Ganns Switch.

Q You live in Sequoyah District? A Yes, sir.

Q Cherokee Nation? A Yes, sir, live in a mile and a half of Ganns.

Q How old are you? A I was ten years old when the war closed, and that is all I can tell you; you can count from that.

Q Well you are about 50. Where were you born? A In Henry County, Missouri, near Calhoun.

Q Where were you the first few years after the war, from '65, to '70, '64, '5 and '6, just after the war, where were you? A I was in the Choctaw Nation, over at Skulleyville.

Q Where were you married? A Van Buren, Crawford County.

Q About how old were you when you were married? A I just can't tell you.

Q Were you just about grown? A I reckon I was grown, I thought I was grown.

Q You think you were as much as 20 or '1 or '2 when you were married? A I don't know, I might have been, I can't tell you, only I am satisfied I was grown.

Q How old is your oldest child; do you know anything about that?

A No, sir, I don't; my house got burned up and I got her age burned up.

Q Your oldest child was a girl? A Yes, sir, my oldest child living was a girl.

Q Is she alive? A Yes, sir.

Q Is she married? A She has been married, she is in her grass widowhood now.

Q How long ago was she married? A It has been about 6 years ago her and her husband separated.

Q Do you know Joann Taylor? A I do.

Q Now that is the Joann Taylor that lives down near Bengie on Garrison Creek? A Yes, sir.

Q A colored woman? A Yes, sir.

Q An applicant for enrollment as a citizen of the Cherokee Nation; how long have you known her? A Well, I don't know how many years, I can't tell you when I first got acquainted with her.

Q Well, tell us about it? A Up on Captain Littlejohn's place, we lived on what was called the Abner Burr place and they called it four miles to Captain Littlejohn's place, and there is where I first got acquainted with her, by visiting the churches, and my baby, one of the oldest girls, she was just setting alone when I got acquainted with her.

Q Your oldest child was just setting alone when you got acquainted with her? A Yes, sir.

Q And you were ten years old when the war closed? A Yes, sir.

Q You said you knew her on Captain Littlejohn's place; where was that, in what state? A In Crawford county.

- Q In Arkansas? A Yes, sir, in Arkansas.
- Q Well, how far did you live from her at that time? A When I first got acquainted with her, four miles, called it four miles from my house to Captain Littlejohn's place.
- Q How long did you continue to live in the neighborhood near her? A I lived there 2 years.
- Q Which moved away first, you or she? A I moved away first and I moved up there on Mr. Southmade's place.
- Q How far? A They called it ten miles from where I moved from.
- Q Did you continue to live in Arkansas? A Yes, sir.
- Q How long did you know her to live in Arkansas? A She been living in Arkansas ever since I got acquainted with her.
- Q About how long ago when she moved up here? A I can't tell you, she was gone from Arkansas when I moved up here.
- Q When did you move up here? A I don't remember just what year, but I been up here about ten years.
- Q You left there after she had been gone from there when you moved up? A As well as I can remember she had been gone from there about a year.
- Q Now from the time your oldest child was first able to sit alone, when you first knew Joann Taylor, did you know her to live somewhere in the neighborhood in Arkansas, from one place to another, up until about ten or eleven years ago? A Yes, sir.
- Q You know her all that time? A Yes, sir, been to church with her and she has been to my house, old acquaintances.
- Q Knew her well? A Oh yes sir, I have stayed all night at her house, she is no stranger to me.
- Q You know her family? A Yes, sir.
- Q You know her husband? A Yes, sir, I reckon he is her husband.
- Q She claimed him? A Yes, sir.
- Q What children did she have? A Had a girl and a boy.
- Q What was the girl's name? A Paralee.
- Q Who did she marry? A Married William Smyers.
- Q Where did she marry him? A Married him down, as well as I can remember, she married him on the Jack Brown place.
- Q Joann Taylor have any other children? A Had a boy, they called him Lincoln Taylor, but they have changed his name.
- Q What do they call him up here? A I don't know sir what they call him up here, I am telling you what his name was when I was acquainted with him, and I reckon I will be acquainted with him till God calls me away.
- Q You know this is the same Joann Taylor that is living down here in Sequoyah district on Garrison Creek? A I do sir, for a fact.
- Q Mr. Sequichie: You say they have changed that boy's name? A Yes sir.
- Q What do they call him up here? A I don't know what they call him now, but his right name what he went by is Lincoln Taylor.
- Q How do you know they have changed his name? A I have heard people say they did, that is why.
- Q Where did you say he lives now? A I don't know where he lives.
- Q Where do you live now? A I live down close to Ganns Switch.
- Q How long did you live in Missouri? A I was born there and stayed there till I was ten years old, I left there the first year of the war when I was ten years old.
- Q How long did you live in Arkansas close to where this Joann Taylor lived? A I can't tell you, I just can't tell you how long.
- Q Ten years? A Longer than that I reckon, I can't tell you.
- Q How long after the war was it you saw Joann Taylor close to Captain Littlejohn's place? A I can't tell you.
- Q Was Captain Littlejohn a white man or a Cherokee Indian? A I reckon he was a white man, he was living in the state; I can't tell you.
- Q You don't know how long it was you lived there by this woman? A No, sir, it has been so long I can't tell you how long, because I have been knowing her.

Q She moved away from there before you did? A Yes, sir, she left before I did.

Q How long was that? A As well as I can remember, about a year.

Q Before you moved away from there? A Before I moved away from there.

Q Do you know where she went? A I don't know where she went.

Q Didn't see her any more until you met up in the Cherokee Nation? A No sir.

Q Where was that at? A I saw her right in Fort Smith, she told me she was living up in the Nation, and asked me where I lived, and I told her I lived up close to Redland.

Q Have you ever been to her house where she lives now? A No, sir, I was two miles of her house about three years ago; but she was at my house last fall.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

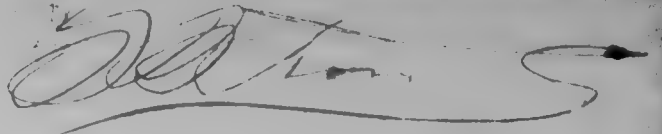
Sworn to and subscribed before me this the 15th of September, 1901.

(Seal)

(signed) M.D. Green,
Notary Public.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this December 11th, 1901.



Commissioner.

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(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 22d, 1901.

In the matter of the application of King David for the enrollment of himself, wife and six children as Cherokee Freedmen; said David being duly sworn, testified as follows:

APPEARANCES:

Mr. J. R. Sequichie, Agent for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

BY THE COMMISSION: What is your name? A King David.
Q How old are you? A 36 years old.
Q What is your post office address? A Benge.
Q Is that in the Cherokee Nation? A Yes, sir.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Do you apply for the enrollment of anyone besides yourself?
A My family.
Q Of what does your family consist? A Wife and six children.
Q What is the name of your wife? A Laura Davis.
Q How old is Laura? A 27 years old.
Q Is she living? A Yes, sir.
Q What is the name of your oldest child? A Matthew.
Q Is he living? A Yes, sir.
Q How old is he? A 18.
Q The name of the next child? A Robert.
Q How old is Robert? A 13.
Q The next child? A Mary.
Q How old is Mary? A Nine.
Q The next one? A Equilla.
Q How old is she? A Six.
Q The next one? A Mattie.
Q How old is she? A She is three years old.
Q The next one? A Paralee.
Q How old is she? A Seven months old.
Q That is all? A Yes, sir.
Q Are these children all alive? A Yes, sir.
Q Are they living with you? A Yes, sir.
Q Are they all your children by your present wife, Laura?
A Yes, sir.
Q She is the mother of all of them? A Yes, sir.
Q You are the father of all of the children? A Yes, sir.
Q What is the name of your father? A My father's name was King David.
Q Is he living or dead? A I don't know. The last account I had he was living.
Q What is the name of your mother? A Joann Tayler.
Q Is your mother living? A Yes, sir.
Q You claim your right to enrollment through your mother?
A Yes, sir.
Q Where were you born? A Up here to Fort Gibson.

- Q Born in the Cherokee Nation? A Yes, sir.
- Q Have you always lived in the Cherokee Nation? A Yes, sir, pretty well, first here and in and out part of the time.
- Q How long were you ever gone at any one time? A Well, I was gone out I guess three or four months at a time.
- Q For what purpose? A I was working, railroading part of the time, and sometimes cow herding and first one thing and another.
- Q Have you been outside of the Territory withing the past three years? A No, sir, not to live, I haven't.
- Q Does your wife claim her right to enrollment as a Cherokee Freedman; does she claim as a Cherokee Freedman in her own right?
- A No, sir.
- Q How does she claim? A If she claims at all she claims as adopted.
- Q Now, you said you applied for your wife, now upon what grounds?
- A I was married to her, claims, claims as adopted.
- Q As an intermarried citizen? A Yes, sir.
- Q Have you any evidence of your marriage? A No, sir.
- Q When were you married? A I was married long in 1882 I believe.
- Q Were you ever married before you married this woman? A Yes, sir.
- Q What was the name of your first wife? A First wife's name was Mollie.
- Q Is she living or dead? A She is living.
- Q Were you ever divorced from her? A Yes, sir.
- Q When? A Divorced from her in '79 I believe.
- Q Have you any evidence of your divorce? A Yes, sir.
- Q Let me have it here please? A I haven't, not here with me.
- Q Have you and your present wife lived together continuously since your marriage? A We have.
- Q Are you living together now? A Yes, sir.
- Q Was your present wife ever married before she married you?
- A No, sir.
- Q What is the mother of all these children? A Yes, sir.
- Q Have you ever applied for enrollment in any other tribe or Nation?
- A No, sir; only from my mother my Pa was sick and at the time the enrollment was--
- Q You don't understand my question; did you ever apply for enrollment as a citizen of any other tribe? A No, sir.
- Q Have you ever been recognized as a Cherokee freedman? A No, sir.
- Q Have you ever been enrolled? A No, sir.
- Q Have you ever drawn any money? A No, sir.
- Q Is your name on any of the rolls? A No, sir, not as I know of.
- Q Why not? A At the time the enrollment was I was too sick when they was enrolling and my mother was, she put in my children I guess.
- Q Did you draw any money for your children? A She put in one of them.
- Q Which one of them? A Robert.
- Q Where were you in 1880, were you sick 21 years ago? A No, sir.
- Q Where were you in 1896 when the Kern-Clifton roll was made?
- Q I was out on the railroad at that time.

The Tribal Rolls of Cherokee Freedmen of the Cherokee Nation examined the names of applicants not found thereon on any of the rolls, except applicant's son Robert, who is identified upon the Kern-Clifton roll, page 160, #3962, Robert Davis, Sequoyah district.

King David, et al.--3.

MR. SQUICHIE: What do you mean when you say you were down in bed sick? A I was down in bed sick.

Q When was that, in 1896 or '98? A In 1896 in the fall.

Q You say your mother applied for you? A Yes, she applied for the children and sent for me to come and I was sick and they said I had to come before the Court myself, I was of age and I would have to go before the Court myself.

MR. DAVENPORT: Now, your name is King David? A My name is King David.

Q You say you have been married once before you married your present wife? A Yes, sir.

Q Where were you married to this first wife? A Down at Van Buren.

Q In the State of Arkansas? A Yes, sir.

Q Where were you divorced from her? A Conway County, Arkansas.

Q Morrilton? A Yes, sir.

Q How long had you been living in the State of Arkansas? A I have been living in the Cherokee Nation now, making this my stationary home, ain't been no-

Q In answer to a direct question by the Commission a while ago you said that you had been in the Cherokee Nation with the exception or out and in a few months at the time? A Yes.

Q Now, how did you establish a residence in Conway County, Arkansas, to get a divorce there if you didn't live there more than a month at the time? A At the time I got my divorce I was working for the railroad.

Q You resided in Van Buren County, Arkansas? A No, sir.

Q Where were you raised? A I was raised first down here in the Choctaw Nation and Cherokee Nation together; of course I stayed sometimes down about Van Buren.

Q Where were you living when you can first remember?

A When I can first remember anything I was down here on Lees Creek on a man's place, as high as I can recollect by the name of Josiah Foster.

Q That was Josiah Foster or Arkansas? A Yes, sir, I guess it was right on the line where Lees creek comes out of the Cherokee Nation

A Yes, sir.

Q Do you remember a man by the name of Captain A. W. B. Davenport that lived near there? A No, sir.

Q Where were you in '88 and '89? A I was up here at Wagoner and Fort Smith.

Q What were you doing? A I was working on the railroad.

Q Where was the first place you ever lived in the Cherokee Nation?

A First place I can recollect or know anything about, down here this side of Fort Smith.

Q What place? A Right there near Pawpaw there, I don't remember the name of the place.

Q Well, when you were big enough to be a good sized plow boy where were you? A Choctaw Nation.

Q When did you come from Arkansas to the Choctaw Nation?

A Yes, sir.

Q Whenever you went to Arkansas did you come back to the Cherokee Nation? A I come back that same season.

Q Where was your mother and her family living during this time?

A My mother part of the time she resided just on the other side of the river over in the Choctaw Nation.

Q Well, your mother and her family lived in Crawford County, Arkansas, near Van Buren? A No, sir.

Q Did your mother ever live in Crawford County, Arkansas.

A No, sir.

Q Do you remember that little church that sits back there close to where your mother lives called St. Pauls church? A Yes, I remember where that was.

King David, et al.--4.

- Q You have gone there many times with your mother? A No, sir, I went there several times by myself.
- Q You were big enough when you were living there to go to church by yourself? A Yes, sir.
- Q Your mother didn't come to the Territory until you were big enough to go to church by yourself? A She was here before that.
- Q Do you know where she was born? A No, sir, she said she was born somewhere in the Nation.
- Q You know and you have heard her say she was born in Virginia? A No, sir.
- Q Don't you know that that is the family history that she came from Virginia? A No, sir.
- Q Do you know an old woman down there in Arkansas by the name of Pettus? A Yes, sir.
- Q She came from Virginia? A I don't know.
- Q You know her there though near St. Pauls Church in Arkansas? A When I knew her she lived up on Sand Town above Van Buren.
- Q You know she attended church there at St. Pauls Church? A I don't know.
- Q She lived there in Van Buren, Della Pettus? A I guess so.
- Q She lives now in Arkansas? A I don't know.
- Q Where do you live now? A I live in Sequoyah district.
- Q Where? A In between Benges and Fort Smith.
- Q Who do you stay on the place with? A On the place with my mother for the last three years.
- Q How far is that from where George W. McKamy or Vann lives? A It is about a mile and a half as nigh as I can come at it I guess.
- Q Where did you move from when you moved to that place there near Benges? A I moved down out of the State.
- Q Six years ago? A Yes sir.
- Q Did you ever keep house a day in your live in the Indian Territory? A Yes, sir.
- Q What place? A I kept house up here, over in the Choctaw Nation
- Q Never kept house in the Cherokee Nation until you moved this last time? A Yes, sir, I stayed here-
- Q I Ain't asking you about staying here, I asked you have you kept house? A Me and my wife was here but we didn't keep house.
- Q You mean your first wife or last wife? A I mean my first wife and last wife too.
- Q You were in Arkansas were you in the 80s near Merrillton? A Yes, sir.
- Q You voted do n there in Arkansas in the '80s? A No sir.
- Q You remember the time Charlet Reed and George Bentley were down there at Plumerville when they had so much trouble over the ballot box? A No, sir.
- Q Didn't you go to Little Rock to testify in that case as to who you had voted for in that election and isn't your name to-day on the roll as one of the witnesses in the court that were subpoenaed there to testify? A I didn't testify about voting but might have been, I was down there and I was subpoenaed down there.
- Q You was there wasn't you? A Yes.
- Q And didn't you testify in that Court that you voted for John M. McClure? A No, I don't remember.
- Q Don't you remember seeing me in that trial? A I never saw you before.
- Q You were there before? A Yes, sir.
- Q It is the trial I have reference to Charley Reed, who is now in Congress, with reference to the seat of Mr. Breckinridge? A I was there
- Q When you got this divorce in 1879 you swore you had been a resident of the State for more than a year when you got it?

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A No, sir, I had been backwards and forwards in the state.

Q Didn't you swear it? A No, sir, they asked where I was native and where was I from and where was I born at and I told them I was born in the Nation according to my mother.

Q Didn't you swear that you were a resident of the State of Arkansas when you got this decree granted? A Well, of course I acknowledged to that.

Q You swore that you were a resident of the State of Arkansas and that you had stayed there the statutory time in order to procure the decree didn't you? (No response.)

COMMISSION: Answer the question? A I don't know how to answer it.

MR. DAVENPORT: Well, you know whether you claimed your residence in Arkansas at the time this divorce was filed? A I claimed my home in the Nation.

Q Your home? A Yes, sir.

MR. SEQUICHIE: Do you remember anything about seeing this man up there? A That was the first time I saw him there.

Q You wasn't in all his trouble? A No, sir.

MR. DAVENPORT: You know Charley Reed? A Yes, sir.

Q You know Will Moose? A No, sir.

Q You know Double there? A No, sir.

Q You don't know P. E. Double that big merchant there? A No, sir.

COMMISSION: Kind David applies for the enrollment of himself as a Cherokee Freedman, and for the enrollment of his six minor children, Matthew, Robert, Mary, Equilla, Mattie, and Paralee, as Cherokee Freedmen and for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He is not identified upon any of the tribal rolls in the possession of the Commission and neither is his wife identified upon any of the rolls. Son son, Robert, is the only one of his children identified upon any of the tribal rolls, he being found upon the Kern-Clifton pay roll. The applicant avers that he was first married to one Mollie David and divorced from here in 1879. He produced no satisfactory proof as to his divorce and will be necessary for him to file with the Commission either the original or certified copy of the decree. He avers that he was married in the year 1882 to his present wife, and that they have lived together continuously since that time and are living together at the present time. He makes no proof as to his married and he will be required to file with the Commission satisfactory proof as his marriage to his present wife, Laura. It will also be necessary that the applicant file with the Commission satisfactory proof of the birth of all of his children, with the exception of Robert, being identified upon the Kern Clifton roll. He makes no satisfactory proof as to his residence. By reason of the fact that he is not identified upon any of the tribal rolls and for the further reason that his children are not identified upon any of said rolls, with the exception of Robert, and for the further reason that he makes no satisfactory proof as to his divorce from his first wife before his marriage to his last wife, the applicant and

King David, et al.--6.

his six minor children will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The applicant's wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card. When the decision of the Commission is rendered he will be notified in writing at his present post office address.

MR. DAVENPORT: Where were you married to your present wife?
A I was married to her in Conway County.

Commission. The testimony taken in the case of the applicant's mother, Jean Taylor, will be made part of the record in the case at bar, and a copy of the testimony will be filed herewith.

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J. O. Resson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Resson

Subscribed and sworn to before me this October 30th, 1901.

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 10 day of December 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joann Taylor et al.
for enrollment as Cherokee freedmen, consolidating the applications
of:

Joann Taylor
Paralee Albert
King David et al

Cherokee Freedmen D 778
Cherokee Freedmen D 1084
Cherokee Freedmen D 1085

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Joann Taylor for herself; by Paralee Albert for herself; and by King David for himself and his minor children, Matthew, Robert, Mary, Equilla, Mattie and Paralee David. Application was also made for the enrollment of Laura David as a Cherokee freedman by intermarriage, but as the status of such persons is not fixed at this time her rights are not passed upon nor is she embraced in this decision.

The evidence herein shows that Joann Taylor was the slave of a Cherokee citizen at the commencement of the rebellion and that she remained in the Cherokee Nation during said rebellion and was residing therein during the time necessary for the acquisition of freedmen rights under article nine of the Cherokee treaty of 1866; that soon thereafter she removed to and became a citizen of the State of Arkansas, where she remained for a period of about twenty years, when she returned to the Cherokee Nation where she has since resided. It is further shown that during her residence in Arkansas she owned no property of any description in the Cherokee Nation. Section two, article one of the Cherokee Constitution, provides that,

" . . . whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease. "

The evidence further shows that the other applicants herein are the children and grandchildren of the said Joann Taylor, born since the commencement of the rebellion, and possess no rights to enrollment except such as they acquire through the said Joann Taylor.

None of the applicants herein are identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jean Taylor, Paralee Albert, King David, Matthew David, Robert David, Mary David, Squilla David, Mattie David and Paralee David as Cherokee freedmen should be denied, under the provisions of Section Twenty-one of the act of Congress approved June 28, 1896 (30 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

Tama Bixby.

Chairman.

SIGNED,

F. B. Needles.

Commissioner.

SIGNED,

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
MAY 1 1905
this _____.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joann Taylor et al.
for enrollment as Cherokee freedmen, consolidating the applications
of:

Joann Taylor
Paralee Albert
King David et al

Cherokee Freedmen D - 776
Cherokee Freedmen B 1004
Cherokee Freedmen D 1028

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Joann Taylor for herself; by Paralee Albert for herself; and by King David for himself and his minor children, Matthew, Robert, Mary, Equilla, Mattie and Paralee David. Application was also made for the enrollment of Laura David as a Cherokee freedman by intermarriage, but as the status of such persons is not fixed at this time her rights are not passed upon nor is she embraced in this decision.

The evidence herein shows that Joann Taylor was the slave of a Cherokee citizen at the commencement of the rebellion and that she remained in the Cherokee Nation during said rebellion and was residing therein during the time necessary for the acquisition of freedmen rights under article nine of the Cherokee treaty of 1866; that soon thereafter she removed to and became a citizen of the State of Arkansas, where she remained for a period of about twenty years, when she returned to the Cherokee Nation where she has since resided. It is further shown that during her residence in Arkansas she owned no property of any description in the Cherokee Nation.

Section two, article one of the Cherokee Constitution, provides that,

" . . . whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease. . . "

The evidence further shows that the other applicants herein are the children and grandchildren of the said Joann Taylor, born since the commencement of the rebellion, and possess no rights to enrollment except such as they acquire through the said Joann Taylor.

None of the applicants herein are identified on the Cherokee authenticated tribal roll of 1890.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Joann Taylor, Paralee Albert, King David, Matthew David, Robert David, Mary David, Equilla David, Mattie David and Paralee David as Cherokee freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

MAY 12 1905

this -----.

Department of Education

ilized Tr

William Davis,
 Henry Thomas,
 Ella Voss,
 Mabel Markham,
 Frances Nelson,
 John Dawson,
 Mary Jane Voss,
 Thomas Lowe,
 Edna Maynard,
 Sallie Knapp,
 Redden Campbell,
 Van Jackson Luther,
 Cora Middleton,
 Mary Harris,
 Nettie Hinds,
 John Knabo,
 William S. Madden,
 Jane Dean,
 Albert T. Thomas,
 Mary Chapman,
 Gertrude Swaine,
 Melvina Avery,
 Dave Morris,
 Alexander Craggett,
 Amanda March,
 Edna Martin,
 John B. Barnes,
 Bell Davis,
 Samuel Brown,
 Howard F. Watson,
 Jack McCowan,
 Maude Mahler.

Cherokee Freedmen D-182
Cherokee Freedmen D-183
Cherokee Freedmen D-184
Cherokee Freedmen D-185
Cherokee Freedmen D-186
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Cherokee Freedmen D-189
Cherokee Freedmen D-190
Cherokee Freedmen D-191
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Cherokee Freedmen D-208
Cherokee Freedmen D-209
Cherokee Freedmen D-210

George Reed, Sr.,
 Buck Ledner,
 Bell Thompson,
 Lewis Scott,
 Ahn Scott,
 Kasper Langston,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jess Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Rose,
 Charles C. Smith,
 Susie Colbert,
 William Shaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ella Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Luckin P. Powell,
 Stepaney Daws,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-382,
 Cherokee Freedmen D-406,
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 Cherokee Freedmen D-742,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-749,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-756,
 Cherokee Freedmen D-760,

Samuel L. Young,
 John Buckner,
 Willie Cox,
 Leonard Bowles,
 Malinda Murphree,
 Charles Claggott,
 Samuel Irwin,
 Mary Rees,
 Maggie Nave,
 Robina Nave,
 Ella Rees,
 Elizabeth Duncan,
 Sadie Adams,
 Georgeanna Archer,
 John Claggott,
 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Hanselrig,
 Linnie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deakman,
 James B. Perry,
 Isaac Welch,
 Lawson Logan,
 George Howell,
 Henry Mastin,
 George Adams,
 Annie Thomas,
 Lewis McManis,
 Ollie Vann,
 Lon Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
 Isaac Jones,
 Allen Guster,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-761,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-781,
 Cherokee Freedmen D-787,
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 Cherokee Freedmen D-840,
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 Cherokee Freedmen D-912,
 Cherokee Freedmen D-925,
 Cherokee Freedmen D-928,
 Cherokee Freedmen D-972,
 Cherokee Freedmen D-987,
 Cherokee Freedmen D-990,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1039,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
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 Cherokee Freedmen R-104,
 Cherokee Freedmen R-105,
 Cherokee Freedmen R-106,
 Cherokee Freedmen R-107,

Benjamin Clark for himself; by
 Emily Loomis for herself; by
 John O'Connell for himself; by
 Matilda McKinnon for herself; by
 Bessie Tamm for herself; by
 Della Scott for herself; by
 Fannie Rogers for herself; by
 William Washington for himself; by
 Squire Warren Owens for himself; by
 Fannie Goldsby for herself; by
 Susan Daniels for herself; by
 Anderson Turk for herself; by
 David Smith for himself; by
 Fella McKinnon for herself; by
 Henderson Jones for himself; by
 Bessie Vann for herself; by
 Levi Stroud for himself; by
 John Sumpter for himself; by
 Martha Thompson for herself; by
 Ellen Sheppard for herself; by
 Lula Melton for herself; by

Cherokee Freedman B-1100;
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 Cherokee Freedman B-1102;
 Cherokee Freedman B-1103;
 Cherokee Freedman B-1104;
 Cherokee Freedman B-1105;
 Cherokee Freedman B-1106;
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 Cherokee Freedman B-1124;
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 Cherokee Freedman B-1126;
 Cherokee Freedman B-1127;
 Cherokee Freedman B-1128;
 Cherokee Freedman B-1129;
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 Cherokee Freedman B-1192;
 Cherokee Freedman B-1193;
 Cherokee Freedman B-1194;
 Cherokee Freedman B-1195;
 Cherokee Freedman B-1196;
 Cherokee Freedman B-1197;
 Cherokee Freedman B-1198;
 Cherokee Freedman B-1199;
 Cherokee Freedman B-1200;

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Daniel Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by William Campbell for himself; by Van Jackson for himself; by Tobe Middleton for his wife, Gussie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William W. Wadson for himself; by Tobias Bean for his wife, Cassie Bean; by Ella Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard Watson; by Jack McConnell for himself; by Maude Mauley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Maude Mauley for herself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mattie Johnson for her husband, Allen Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Frankie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ella Warren for herself; by William Henry Robinson for his wife, Millie Robinson; by Jack Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Wiley for his wife, Mary Wiley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepper Dawn for himself; by Ella Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neema Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hanelig for her husband, George Hanelig; by George West for his wife, Lizzie West; by Maria Franch for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Decker for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Katie Thomas; by Lewis McConnell for himself; by Jack Vann for his wife, Oattie Vann; by Lee Peters for himself; by Robert Adams for his wife, Ida Adams; by John Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Leon Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Loomis for herself; by Mary Green for her husband, John Green; by Bessie McNalt for his wife, Matilda McNalt; by Bessie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Smith for himself; by Fella McKinnon for herself; by Henderson Jones for himself; by Levi Stroud for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that some of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, applications were also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 331).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of *Edmund Welton*, (1. T. D. 5845-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Deaton, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rice, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rice, Charles C. Smith, Sallie Goldsby, William Stagg, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durast, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Sallie P. Powell, Stephen Dawn, Malinda Vann, Flanders Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irwin, Mary Rose, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Dutton, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lennie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perty, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Cattie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Slaughter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

EC

7401085

JOHNSON

FILED

MAR 24 1902

[Signature]
NOTED CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

701085

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F. I. D.
OCT. 22-1901

ACTING CHAIRMAN

CHEBOKEE
BREEDWELL

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct. 22, 1905

Post Office Bangs, A.T.

District Sequoyah

1. Name King David

Age 36

Owner's name

Citizenship

Year Page No. District

Parents:

Father King David d.

Citizenship

Mother Jane Taylor d.

Citizenship

2. Name of wife Laura David

Age 27

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. <u>Matthew David</u>	Year	Page	No.	Dist.	18
4. <u>Robert</u>	Year	Page	No.	Dist.	13
5. <u>Mary</u>	Year	Page	No.	Dist.	9
6. <u>Equilla</u>	Year	Page	No.	Dist.	6
7. <u>Mattie</u>	Year	Page	No.	Dist.	3
8. <u>Paralee</u>	Year	Page	No.	Dist.	7 m
9.	Year	Page	No.	Dist.	
10. <u>Web. Equilla</u>	Year	Page	No.	Dist.	
11.	Year	Page	No.	Dist.	
12.	Year	Page	No.	Dist.	

Application made by No. 1

Stenographer J. C. Rosson

No. 1. Evidence of divorce from first wife required
 No. 1. " " Marriages
 Nos. 3-5-6-7 and 8 Birth certificates required
 X Ref. 778.

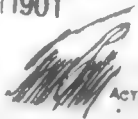
Applicants represented by Joe Sequoyah, Agent.

20

JP108

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 8 11901



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Salisbury 27 Nov 27 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Ring David et al for enrollment as
Cherokee Freedmen.

No. 701055

A. J. Leach
Agent for applicants

COPY

Charles Freeman
D-16 et al.

Muskogee, Indian Territory, January 21, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harsham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Laws, Ella Mayfield, Bessie Rider, Reuben Campbell, Van Jackson Luther, Cassie Widener, Mary Earlin, Nellie Fields, John Kinbo, William S. Madden, Sam Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Marvin Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Ellen Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Mahley, George Reed, Sr., Buck Johnson, Nell Thompson, Lewis Scott, Abe Scott, Kander Langston, Thomas E. Allen, Lewis Vanderford, John E. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alva Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Susie Caldwell, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Ross, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Syd B. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Weber,

Frances Martin, Mary Riley, Emanuel Taylor, Frank Wilson, Loyola F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Anna Foster, Mary H. Rogers, George Washington Logan, Jane Brink, Samuel L. Young, John Barker, Willie Cox, Leonard Bowles, Malinda Marshall, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Fannie Hays, Elia Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamblin, Elsie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Thomas, James E. Berry, Isaac Welch, Lawson Logan, George Howell, Henry Hays, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Foster, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Smith, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED: *T. M. Dixby.*

Chairman,

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
J-M et al.

Muskogee, Indian Territory, January 24, 1905.

Pell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harrison, Frances Nelson, John Nelson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Reuben Campbell, Van Jackson Dittmer, Cassie Middleton, Mary Martin, Nellie Fields, John Kinbo, William S. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Jankels, Rebecca Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Ella Davis, Samuel Brown, Kenneth P. Watson, Jack McConnell, Maude Hamley, George Rowd, Sr., Buck Logan, Nell Thompson, Lewis Scott, Abe Scott, Fender Hampton, Thomas E. Allen, Lewis Vanharford, John J. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Fanny Ross, Charles C. Smith, Cassie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Leman, Lucy

Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Bush, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irwin, Mary Ross, Maggie Nava, Neoma Nava, Ella Ross, Elizabeth Dunosh, Sadie Adams, Georgianna Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamalrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Ferry, Isaac Welch, Lawson Logan, George Hewall, Henry Meair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Latt, Fannie Rogers, William Washington, Squire Warren Gwinn, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Fella McElain, Henderson Jones, Belle Vann, Levi Stroud, John Gumpster, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

PROPERTY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C.

James Bixby
Sergeant

Vol. 10

COPY.

Cherokee Freedman
D-1086.

Muskogee, Indian Territory, January 24, 1906.

Laura David,

Benge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-113.

Register.

WED. *Tamie Dixby.*
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7902-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Martham, Frances Nelson, John Dotson, Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Shiggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Leoney, Lucy Cheatem,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Yeung, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeanna Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welsh, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Shappard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

-1-
is identified on the 1890 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 11, 1904 (I. T. R. 5445-1904) in the Lenoir Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,
C. F. Larrabee

Acting Commissioner.

H.M.H.
V.

DEPARTMENT OF THE INTERIOR,

D. O. 20877-1905.

WASHINGTON.

WCF.

FEB.

I.T.D. 2904-1905.

April 17, 1905.

LRG

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gen the men:

January 26, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Holton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Nellie Rider, Rouben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Sam Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Edli Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Boulton, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Essie Colbert,
William Skaggs, Essie Johnson, Alfred P. Hopkins, Kinzie Vann,
Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvin, Mary
Ross, Maggie Hays, Beema Hays, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Maselrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
James B. Perry, Isaac Welsh, Lawson Logan, George Howe II,
Henry Mhair, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Leoney, John Groves, Matilda Mhair, Nettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Gelasby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Luke Maltin.

Reporting in the matter March 22, 1964, the Bureau
of the Department recommends that your decision be approved, a copy of
the letter is enclosed.

The Department concurs in said recommendation, and
your decision is hereby approved.

Respectfully,

(Signed) Theo. Ryan

Enclosure

Acting Secretary

COPY.

Cherokee Freedmen

D-1085.

Muskogee, Indian Territory, April 20, 1905.

Laura David,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tamie Bixby.

Chairman.

COPY.

Charlotte Freeman

D-44, et al.

Muskogee, Indian Territory, April 20, 1906

Bell, Hastings & Newport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 17, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *James Bixby*

Chairman

COPY.

Cherokee Freedmen,

B-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). *Tams Blaby.*
Chairman.

COPY.

Cherokee Freedmen

1908.

Muskogee, Indian Territory, May 13, 1908.

King David,

Wango, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the Decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your former agent, J. R. Sequencia, Chelsea, Indian Territory, a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-132
Register

SIGNED

James B. Bly
Chairman

COPY

Cherokee Freedmen

S 772, et al.

Muskogee, Indian Territory, May 12, 1902.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1902, rejecting the applications for the enrollment of Joann Taylor, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-132

(SIGNED) *Tamie Bixby*
Chairman

COPY

Charles Freedman
D 770, et al.

Madison, Indian Territory, May 11, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

Where is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of James Taylor, et al., as Charles Freedman, including the Commission's decision dated May 13, 1908, rejecting said application.

Respectfully,

(SIGNED) *Texas Bixby*
Chairman.

Encl. 3-134

Through the

Commissioner of Indian Affairs.

Land,
37642-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen of Joann Taylor for herself; by Paralee Albert for herself; and by King David for himself and his minor children, Mathew, Robert, Mary, Equilla, Mattie and Paralee David.

May 13, 1905, the Commission decided adversely to all the applicants.

The record shows that Joann Taylor was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she remained in the Cherokee Nation during the war and until after February 11, 1867; that soon thereafter she removed to and became a citizen of the State of Arkansas where she resided for about twenty years, when she returned to the Cherokee Nation where she has since resided; that during her residence in Arkansas she owned no property in the Cherokee Nation.

The evidence further shows that the other applicants are the children and grand children of Joann Tayler, born since the end of the rebellion and possess no rights to enrollment except as descendants of the said Joann Tayler.

None of the applicants is identified on the 1890 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. P. Larrabee,

Acting Commissioner.

M.M.W.
W.

D. C. 29546

JBJr.

DEPARTMENT OF THE INTERIOR, LLS
WASHINGTON.

I.T.D. 7188, 9610-1908.
9876, 10388-1908.

July 10, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Jeann Taylor, Paralee Albert, and King, Matthew, Robert, Mary, Squilla, Mattie, and Paralee David as Cherokee freedmen.

Reporting June 13, 1906, the Indian Office recommended that the Commission's decision, adverse to all the applicants, be approved. A copy of its letter is inclosed.

The attorneys for the applicants filed a motion for a rehearing and brief in support of said motion. The attorneys for the nation filed a protest against the granting of the motion for a rehearing.

The motion and arguments have been considered in connection with the record in the case, and it is considered that the decision of the Commission is correct. Said decision is hereby affirmed.

Respectfully

Jesse H. Wilson

Assistant Secretary.

1 inclosure.

Cherokee V.
D. 1085.

COPY

Muskogee, Indian Territory, July 31, 1906.

King David,

Wango, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting, among others, your application for the enrollment of yourself and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 10, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

WCH:ED.

Tams Bixby,
Commissioner.

Incl. C-9
LMC

Cherokee F.
D. 778 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the applications of Jeann Taylor, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 10, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

CHIEF.

Tamie Bixby.
Commissioner.

Incl.C-18
LMC

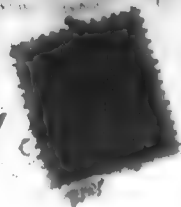
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

*unclaimed Return
To Davis Com to S. Parker
Muskogee
C.F.D. 1085.*

MAY 1 1895

Laura David,

Benge, Indian Territory.



REGISTERED
JAN 21 1905
MUSKOGEE, IND. TER.

Cher.Fr.R 804

Cher.Fr.R 804

Trans. from Cher Fr D 1088

7/10/8

101088

CO. 101088

NOV 8 1901

MAJ. CHAIRMAN

Department of the Interior,
Bureau of Indian Affairs,
Washington, D. C., October 2, 1901.

Enclosed herewith is the application of Henry Vincent for the enrollment of himself and three children as Freedmen. He being first duly sworn by Commissioner S. S. Harrison, testified as follows on the part of himself:

- Q What is your name? A Henry Vincent.
Q How old are you? A 33.
Q What is your job or office now? A None.
Q Is your district do you live? A No.
Q Do you want to make application for enrollment as a Cherokee Freedman? A Yes sir.
Q Who else do you make application for besides your wife? A My wife and five children.
Q What is your wife's name? A Eliza.
Q How old is she? A 30.
Q What are the names of your children? A Elijah,
Q How old? A 13.
Q Mary? A 12.
Q How old? A 12.
Q Matt? A 8.
Q How old? A 6.
Q Matt? A 4.
Q How old? A 3.
Q Matt? A 2.
Q How old? A 1.
Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a Freedman? A No sir.
Q Is your name on any of the rolls? A No sir.
Q Is your wife's name on any of the rolls? A No sir.
Q Did you ever draw money from the Cherokee Nation? A No sir.
Q What is your father's name? A I don't know.
Q What is your mother's name? A Charlotte.
Q Is she living? A No sir.
Q How long has she been dead? A Ever since '70.
Q Is your wife's father living? A No sir.
Q Do you know his name? A No sir.
Q What is her mother's name? A I don't know.
Q Is she living? A No sir.
Q Where were you born? A In Alabama.
Q Were you a slave? A Yes sir I guess so.
Q By Hastings?
Q Do you claim citizenship through your own right or through your wife? A Through me.
Q You were born in Alabama? A Yes sir.
Q How many years old? A Yes sir.
Q You were born then in 1868? A Yes sir I guess so.
Q Your wife then was a slave? A Yes sir.
Q Did you ever draw money from the Cherokee Nation? A No sir.
Q Did you ever make application to the Civil War Commission for your land? A Yes sir I have but my money didn't come.
Q Did you put in your application there? A No sir.
Q What point were you at before the Commission? A I was at Wilson.
Q Wasn't Joe Brown there? A No sir.
Q Wasn't Jerry Van there? A No sir.
Q Wasn't Father Thomas there? A No sir.
Q Didn't they all come to Fort Gibson? A No sir and then I got

Q Then you never put any application in? A No sir.
Q How old were you when you came to the Cherokee Nation? A I was a little bit of a fellow I guess.
Q Can you remember about it? A I remember coming here.
Q Then you ought to remember about how old you were when you came here? A About 6 or 7 years old.
Q Did you come on the train? A No sir, we came first to Mississippi and then they brought me by way of Kansas; my mother was hunting her old home.
Q When did you come here? A In '66 from Kansas.
Q Was that the first time you were ever here? A Yes sir.
Q I thought you said you were 6 or 7 years old when you came here? A Yes sir when I came from Kansas.
Q Can you remember anything about coming from Kansas—any of the incidents along the way? A No sir.
Q Do you remember who came with you? A My mother.
Q Who else? A I don't know nobody else.
Q Did you have any other members of your family there? A At that time?
Q Yes, any brothers or sisters? A One sister.
Q What is her name? A Millie Johnson, then.
Q What is her name now? A White.
Q She lives in Sequoyah? A Yes sir.
Q Where were you in the Cherokee Nation when you were first old enough to remember? A Fort Gibson.
Q When was the first time you ever saw Joe Bruner? A In Kansas.
Q You saw him in Kansas? A Yes sir, the old lady said he was there, I can't recollect.
Q When did you next see him in the Cherokee Nation? A In Sequoyah.
Q How old were you then? A Pretty good chunk of a boy then.
Q 10 or 12 years old? A Yes sir.
Q When did you first see Jerry Vann? A In Sequoyah when I was a good chunk of a boy.
Q When you were about 10 or 12 years old? A Yes sir.
Q When did you first see Charley Chambers? A In Fort Gibson.
Q How long had you been there before you saw him? A I saw him there all the while.
Q When did your mother die? A In '70.
Q Where? A Choctaw Nation.
Q How long did you live in the Cherokee Nation, in Fort Gibson after you came there after the war? A We came in '66.
Q How do you know it was '66? A My mother said it was and we left there in '68; we was hunting her sister and we went to the Choctaw Nation and she died there and she left me with my aunt and I run off and came back here.
Q When did you come back here? A In '73.
Q Was it after you came back that you saw Joe Bruner and Jerry Vann? A Yes sir.
Q Did you see Charley Chambers before that? A Yes sir in Fort Gibson.
Q Where have you been living for the past twentyfive years? A First here and then in the Choctaw Nation.
Q When you came back here in '73 where did you come to? A I was with Sandy Williams.
Q Where did he live? A Below old man Tom Smith's.
Q Was that in Little River County, Arkansas? A No sir in the Nation.
Q What part of the Nation? A Cherokee, near Cherokee, near the Arkansas line.
Q Who was keeping a store in Cherokee then? A None there at all.
Q How far from Cherokee was it that you lived? A Mile.
Q North or south? A South.
Q Was the railroad there then? A None there.
Q How long did you live there? A I never lived there, just stopped there a while, and then would go to town.
Q To Fort Smith? A Yes sir and then back to here.

Q Where were you married? A I was married down in Arkansas.
 Q What place in Arkansas? A Place called Wabashkee (spelled from the sound uttered by witness which was very indistinct)
 Q When were you married? A I was married this last time in '88.
 Q Where was Eliza born? A In the Choctaw Nation.
 Q Where was Tilda born? A Same place.
 Q Where was Orra born? A Here in Sequoyah district.
 Q Where was the next one born? A He was born there.
 Q The next one? A He was born there.
 Q How long after Orra was born did you come to the Cherokee Nation?
 A I was here .
 Q I mean before he was born? A 3 or 4 months; I was here and then my wife came.
 Q What is your post office? A Benzo.
 Q How long has it been your post office? A For the last 8 or 10 years.
 Q And that is all the time that you have lived in this country isn't it? A I have been here before that.
 Q When we were at Fort Gibson for the second trip, last month why didn't you put in your application? A My witnesses wasn't there.
 (By the Commission)
 Q Was your mother a slave? A Yes sir.
 Q Who did she belong to? A Ben Johnson, she said.
 Q What was her name? A Charlotte Johnson.
 Q Do you know anything about her being taken out of the Cherokee Nation during the war? A No sir.

CHARLEY CHAMBERS being first duly sworn by Commissioner T. S. Needles, testified as follows for the applicant:

Q What is your name? A Charley Chambers.
 Q How old are you? A 70.
 Q What is your post office address? A Hudson.
 Q Do you know the applicant Yancy Vincent? A Yes sir.
 Q How long have you known him? A Ever since about '88.
 Q You first knew him in '88 did you? A Yes sir.
 Q Where? A Fort Gibson.
 Q Did you know his mother? A No sir.
 Q What was her name? A Charlott.
 Q Was she a slave? A Yes sir.
 Q Who did she belong to? A Ben Johnson.
 Q Was he a Cherokee citizen? A Yes sir.
 Q When did you first see his mother? A That was where I saw her, in '88 when I came from Fort Smith to Tahlequah, and she was inquiring of me of Ben Johnson, that is all I know about it.
 Q Did you know her before the war? A No sir.
 Q Just knew her then? A Yes sir.
 Q How do you know she was a slave of Ben Johnson then? A She told me she was.
 Q Is she living? A I don't know for certain, I don't think so.
 Q When did she die? A I don't know.
 Q Have you known this applicant ever since '88? A Yes sir, I have seen him often and on in the Cherokee Nation ever since.
 Q Do you know his children? A No sir.
 (By Hastings)
 Q Do you know where his mother died? A No sir.
 Q Do you know where this man was married? A No sir.
 Q Didn't you marry him? A No sir.
 Q Wasn't he married in your house? A No sir.
 Q Do you know his wife? A No sir.
 Q Ever see her? A Not to know of.
 Q What time of the year was it you saw this fellow first? A I saw him with his mother.
 Q Any one else with them? A No sir she was going on her way and I was going on my way and met her in the street.
 Q And that was the first time you ever saw her? A Yes sir.

Q Did she have any other children with her besides this boy? A If she did I don't know it.
 Q Never had them with her? A No sir.
 Q How long did you see her about Fort Gibson there? A Once after that.
 Q How long after that? A 2 or 3 weeks.
 Q Did you ever see her after that? A No sir, but I saw the boy.
 Q You don't know where she died? A No sir.
 Q And you came here and swear that you met a stranger for the first time in the street 85 years or more ago and you can remember that this man here is the boy she had with her then? A I remember it and I remember the boy all right.
 Q How old was the boy then? A 7, 8 or 9 years old.
 Q Able to get along? A Yes sir.
 Q What time of the year was that that you saw them? A In the fall.
 Q In the fall? A Yes sir.
 Q Where did you next see the boy? A Next I seed him I seed him there on Four Mile Branch.
 Q Who was he living with there? A Just saw a lot of boys there together.
 Q When was that? A That was the next year after I seed him with his mother.
 Q Was his mother dead then? A I never asked him.
 Q He was a good big boy then was he? A Yes sir a good big boy.
 Q 9 or 10 years old? A Somewhere there, 8 or 9.
 Q You feel positive about that do you? A Yes sir; I know I am positive about that.
 Q Where did you next see him? A Up here on the Verdigris river.
 Q When was that? A That has been 7 or 8 years ago.
 Q He wasn't married then was he? A I don't know I didn't ask him.
 Q When did you next see him? A I don't know where I next saw him; I don't know as I ever saw him anymore until I saw him here.
 Q You only saw him at Fort Gibson, Four Mile Branch, on the Verdigris river and here? A Yes sir.
 Q You never was at his house? A No sir.
 Q Don't even know where he lives? A No sir.
 Q Never saw him or his mother before the war? A No sir, not that I know of.

(By the Commission)

Q You say you don't know anything about the mother of this applicant being a slave only what she told you? A Yes sir that is all.

JOE BRUNER being first duly sworn by Com'r T. B. Needles, testified as follows before the Commission in favor of the applicant:

Q What is your name? A Joe Bruner.
 Q What is your age? A 65.
 Q What is your post office address? A Benge.
 Q Are you a Cherokee freedman? A I claim to be.
 Q Do you know Yancy Vincent? A Yes sir.
 Q How long have you known him? A I know him in '65.
 Q Where? A Fort Scott, Kansas.
 Q Where did you next see him? A Next I saw him was in '74.
 Q Where? A In Sequoyah district.
 Q Do you know the applicant's mother? A Yes sir.
 Q What was her name? A Charlott.
 Q Was she a slave before the war? A She said she was.
 Q Who did she say she belonged to? A Ben Johnson.
 Q Where did you first see her? A Fort Scott.
 Q Where the next time? A I never seen her any more, as I knew.
 Q You say the last time you say him was in '73 or '4? A Yes sir.
 Q Have you never seen him since? A Oh yes sir.
 Q Well how long have you known him continuously? A For the past nine years.
 Q Do you know where he was born? A I don't think she told me, she said they had come from Corinth, Mississippi.

- Q The first time you ever saw her was in Fort Scott, Kansas? A Yes sir.
- Q Never knew her in the Territory at all? A No sir.
- (By Hastings)
- Q And you have only known him continuously for the past 9 years? A Yes sir.
- Q You dont know where he was married? A No sir.
- Q You dont know where his first two children were born? A No sir.
- Q He has only been living at Benge for the past nine years? A Yes sir.

JERRY VANN, being first duly sworn by Com'r T. B. Needles, testified as follows for the applicant:

- Q What is your name? A Jerry Vann.
- Q What is your age? A 47.
- Q What is your post office address? A Benge.
- Q Are you a Cherokee freedman? A Yes sir.
- Q Is your name on the authenticated roll of 1880? A Yes sir.
- Q Do you know Yancy Vincent? A I have known him a good while.
- Q When did you first get acquainted with him? A In '80.
- Q Did you know his mother? A No sir.
- Q Have you known him ever since 1880? A Yes sir.
- Q Where has he been living from 1880 up to this time? A In Sequoyah district, Cherokee Nation.
- (By Hastings)
- Q Where was he married? A I dont know.
- Q Do you know where his first two children were born? A No sir.
- Q How long have you known him continuously? A Since 1880.
- Q So he has lived there for the last 20 years has he? A Yes sir right close to me.
- (By the Commission)
- Q You dont know anything about his mother? A No sir.

BY COM'R NEEDLES: Yancy Vincent applies for the enrollment of himself and his five children as named in the testimony, he having withdrawn his application for his wife. He and his children cannot be identified on any of the rolls of the Cherokee Nation. He avers that he is the child of one Charlott Johnson and that his mother was a slave belonging to one Ben Johnson, a Cherokee citizen, before the war. He makes no satisfactory proof as to the citizenship of his mother and as to his residence, reference is made to the testimony herein. The said Yancy Vincent and his five children will be listed as Cherokee freedmen on a doubtful card. It will be necessary for him to make satisfactory proof as to the birth of his five children their names not appearing on any of the rolls.

+++++

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this 31st of October, 1901.

Chas von Weise
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of Yancy Vincent for the enrollment of himself and children as Cherokee Freedmen.

By the Commission:

Q What is your name? A Yancy Vincent.

Q How old are you? A 22.

Q What is your postoffice address? A Benga.

Q You have previously made an application to this Commission for the enrollment of yourself and children as Cherokee Freedmen, have you?

A Yes, sir.

Q Neither you nor your children are identified on any tribal rolls?

A No, sir.

Q You have never drawn any money from the Cherokee Nation? A No, sir.

Under the provisions of the temporary injunction recently granted by Judge Joseph Gill, Judge of the United States Court for the Northern District of Indian Territory, this Commission is without authority to receive any further testimony in the matter of the application made by said Yancy Vincent for the enrollment of himself and children for the reason that neither the applicant nor any of his children are identified on any of the tribal rolls of the Cherokee Nation now in the possession of this Commission.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur Croninger

Subscribed and sworn to before me this 22nd day of January, 1902.



Commissioner.

Handwritten signature or initials at the top of the page.

TO THE COMMISSION TO FIVE TRIBES
FROM THE COMMISSION TO FIVE TRIBES
RE: [illegible]

THE COMMISSION TO FIVE TRIBES
HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF
YOUR LETTER OF THE 10TH INSTANT, IN WHICH YOU
REQUESTED THAT THE COMMISSION TO FIVE TRIBES
SHOULD BE ADVISED OF THE RESULTS OF THE
COMMISSION TO FIVE TRIBES.

THE COMMISSION TO FIVE TRIBES
HAS THE HONOR TO ADVISE YOU THAT THE
COMMISSION TO FIVE TRIBES HAS BEEN ADVISED
OF THE RESULTS OF THE COMMISSION TO FIVE TRIBES
AND THAT THE COMMISSION TO FIVE TRIBES HAS
BEEN ADVISED OF THE RESULTS OF THE COMMISSION
TO FIVE TRIBES.

THE COMMISSION TO FIVE TRIBES
HAS THE HONOR TO ADVISE YOU THAT THE
COMMISSION TO FIVE TRIBES HAS BEEN ADVISED
OF THE RESULTS OF THE COMMISSION TO FIVE TRIBES
AND THAT THE COMMISSION TO FIVE TRIBES HAS
BEEN ADVISED OF THE RESULTS OF THE COMMISSION
TO FIVE TRIBES.

FILED
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COMMISSION TO FIVE TRIBES

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THE COMMISSION TO FIVE TRIBES
HAS THE HONOR TO ADVISE YOU THAT THE
COMMISSION TO FIVE TRIBES HAS BEEN ADVISED
OF THE RESULTS OF THE COMMISSION TO FIVE TRIBES
AND THAT THE COMMISSION TO FIVE TRIBES HAS
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THE COMMISSION TO FIVE TRIBES
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BEEN ADVISED OF THE RESULTS OF THE COMMISSION
TO FIVE TRIBES.

Cherokee Freedmen D 1088.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 27, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application of Yancy Vinson for the enrollment of himself and others as Cherokee freedmen.

It appears that on the 13th day of April, 1904, the applicant and the attorney for the Cherokee Nation were each duly notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 27, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Applicant appears in person.

Cherokee Nation by its attorney, W. W. Hastings.

ANDERSON TATUM, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Anderson Tatum.
- Q How old are you? A 69 next December sometime.
- Q What is your post office address? A Bengo, I. T.
- Q What district do you live in? A Sequoyah.
- Q Do you claim to be a Cherokee freedman? A No, sir.
- Q State man? A Yes, sir.
- Q Do you know the applicant here, Yancy Vinson? A Yes, sir.
- Q How long have you known him? A I have known him 30 odd years.
- Q How long have you lived in the Cherokee Nation? A Off and on I have lived in the Cherokee Nation, well, back and forwards, have been through it about 40 some odd years, ever since that Mission was built North up here, I hope build it.
- Q Did you know Yancy Vinson's mother? A Yes, sir.
- Q When did you first get acquainted with her? A It has been, to the best of my knowledge, 30 some odd years.
- Q Did you know her before the Civil War? A No, sir.
- Q About how long after the war did you first know her? A About 7 or 8 months, I suppose, would not be positive.
- Q You don't know, then, whether or not she was the slave of a Cherokee citizen before the war? A She was said to be.
- Q You don't that of your own knowledge? A No, sir, only what I was told.
- Q How long after the war was it when you first saw her? A 6 or 7 months, I guess, I wouldn't be positive.
- Q Where was she then? A She was in Alabama when I first saw her.
- Q In the State of Alabama? A Yes, sir.
- Q Was this boy born at that time? A Yes, sir.
- Q Was he living there with her? A Yes, there was two.
- Q In the State of Alabama? A Yes, sir, this boy and his sister.

Q How long did they continue to remain there from the time you first saw them after the war? A In Alabama, it was about six or seven months after the war, maybe longer, they lived there. I wouldn't be positive, along in the first part of '67 or '68, I wouldn't be positive.

Q You don't know where they went? A Yes, sir.

Q Where? A They went, I was with them to Gerant, Mississippi, and the next time I saw them was right down here at Fort Gibson.

Q Do you know about how long after the war it was when you saw them at Fort Gibson? A It was about two or three months after the six or seven months, when I saw them again.

Q When you first saw them in Alabama, about seven months after the war, and you next saw them in the Cherokee Nation about three months from that time? A I saw them about three months after they got here; it was six or seven months, maybe longer, when I saw them in Alabama, and they was here about three months when I saw them.

Q How long after the war was it when you first saw them here at Fort Gibson? A It must have been about eight or nine months, maybe longer, I couldn't be positive, I couldn't specify exactly the time.

Q Do you know whether or not this applicant's mother had ever lived here in the Cherokee Nation before that time? A No, sir, I don't, only what I have been told.

Q Did you know Yancy Vinson's father? A No, sir, don't know him.

Q Have you known Yancy Vinson continuously since the time you saw him in Fort Gibson about eight or nine months after the war, as you say? A I have saw him off and on ever since.

Q Do you know where he was living all that time? A No, sir, not altogether, he went to Fort Scott, I believe, and then back, so they said. I wasn't with him, and from that on I have known him for about 12, 13 or 14 years.

Q You don't know, then, of your own knowledge, of his whereabouts except for the last 13 or 14 years? A Not all the time.

Q When you would see him would he be living in the Cherokee Nation? A So he said.

Q You don't know, yourself? A No, sir, sometimes I would see him in Fort Smith, and sometimes in the Cherokee Nation, but that was said to be his home in the Cherokee Nation.

Q How long did his mother live, if you know, after you saw her at Fort Gibson the first time? A I don't know.

Q Don't know where she lived? A No, sir.

Q Don't know whether she continued to live in the Cherokee Nation until her death? A No, sir.

Q Is this applicant, Yancy Vinson, married? A Yes, sir.

Q What is the name of his wife? A His wife is named Elizabeth or Lizzie, Lizzie, I believe.

Q Do you know his family, how many children he has? A Yes, sir, I could count them up to you. Sometimes can't count them all; got so many. Elijah is one, can't half the time think of their names; Matilda is another; Tootsy, I reckon that the nickname; that's what I call her, is another.

Q Is that the third one? A I call it Tootsy; no, sir, I believe the third one is Carl. I believe Tootsy is the one they call Oris.

Q Then you can't testify of your own knowledge as to the residence of Yancy Vinson, except for the last 13 or 14 years? A Yes, sir, that's it.

By Mr. Hastings:

Q You are a freedman, but not a Cherokee freedman? A Yes, sir.

Q You know George W. Vann, down in Sequoyah district, do you, also a colored man? A Yes, sir.

Q You testified for applicants of his in a number of cases, haven't you? A I don't know that I did; I don't remember it; not a one, I guess, of his.

- Q Well, people that he got to apply down in there, you testified for a number of them, didn't you? A I don't know whether they got him or not, I have testified for people down there, but I didn't know he got them.
- Q You knew he was interested in them didn't you? A I believe he was a witness.
- Q What were you doing in Alabama? A I was born there the other side of Alabama, and I steamboated and travelled a gooddeal.
- Q What town in Alabama did you know this boy's mother? A Tuscumbia.
- Q How big a town is Tuscumbia? A I don't know; a pretty good little sized place.
- Q How much population? A I don't know; wasn't there long; can't tell.
- Q Was it on a river? A I believe there is a little river right close there, but I don't know that it is on a river.
- Q What is the name of the river right close there? A I don't know.
- Q Is Tuscumbia in the Northern or Southern part of Alabama? A In the Southern part, I think. My home would be close to Huntsville, there; was acquainted there more than at Tuscumbia.
- Q How long did you stay at Tuscumbia? A I never stayed there but about, I disremember now exactly how long.
- Q You are not willing to be pinned down to dates or anything definite, are you? A Can't do that that, unless I knew exactly the facts, and---
- Q You are particular about your oath, aren't you? A I don't want to say anything only what's right.
- Q What year is this? A This is 19----lets see, 1904, I believe.
- Q You are certain? A No, sir, but I think that's right.
- Q Where was this woman living in Tuscumbia when you first saw her?
- Q When I first saw her she had been living with a man by the name of Vinson.
- Q Had you known Vinson before that? A No, sir, only what I had been told.
- Q You never knew him yourself? A No, sir I did not know him.
- Q Did you say you came with him ~~from~~ over to Mississippi? A Yes, sir, to Corinth.
- Q Is Corinth on a river or what? A Corinth, Mississippi, is right close to the Mississippi river not very far.
- Q How long did you stay at Corinth? A We stayed at Corinth three or four or five days.
- Q Then where did you go? A Come right on through to Vicksburg, I did, and then from there right on down----
- Q Did you and this woman separate at Corinth? A Yes, sir, and then next I saw them there at Gibson.
- Q You went to Vicksburg? A Yes, sir.
- Q How did you go? A On a boat down the river and got off the boat. I steamboated nearly eight years.
- Q You don't know how this woman come from Alabama? A Only what I have been told.
- Q Where did you come to from Vicksburg? A We come up to a place called, I forget the name of the town, Napoleon, I think, seems like they called it.
- Q How long did you stay at Napoleon? A Not long, so we come right come out of the Mississippi River into another river, and then into the Arkansas river.
- Q Where did you come to, Fort Smith, A Yes, sir, and then to Fort Gibson.
- Q Did you stop at Little Rock? A Yes, sir.
- Q How long? A Not long; boat didn't stop there long, ~~xxxxxxx~~

- Q Then you come on up to Fort Gibson? A Yes, sir, Fort Smith, and then Fort Gibson.
- Q You come by boat? A Yes, sir.
- Q Where did you see this woman near Fort Gibson? A A man by the name of Johnson.
- Q What was his first name? Aaron.
- Q Where did he live from Fort Gibson? A They lived at out beyond Fort Gibson, can't exactly remember the place, can't tell.
- Q Were you at Aaron Johnson's? A Yes, sir, I have been out to his house.
- Q At the time you speak of? A Yes, sir.
- Q What kind of a house did he live in? A Log house or shanty.
- Q Any rivers or creeks out there? A Yes, sir, there is creeks, several of them.
- Q On whose place did Aaron Johnson live? A Can't tell. I supposed it to be his, but don't know.
- Q How long did you stay out there? A I stayed there several days.
- Q What was Aaron Johnson's wife's name? Q It was Sarah, I think, not certain.
- Q Did they have any children? A There was some there, but I don't know whether they were his. There was one there, a yellow boy, but I don't know what his name was. I think they called him Nick or Nichols.
- Q Was this applicant's father there at the same time? A I never seen his father in my life.
- Q Was this man married at that time? A He was nothing but a boy when I first saw him, his face was slick.
- Q About how old was he? A I couldn't tell you?
- Q What is your best judgment about how old he was? A Not knowing I couldn't say.
- Q You saw him and you can tell how old he appeared to be, can't you? A I couldn't tell his age, I never paid much attention to peoples' age then.
- Q This question is getting sorter of a tender point with you and you-----A I don't know and I aint guessing.
- Q You are guessing about how long after the war it was you saw them and can't you guess about this? A I knew when we were turned loose.
- Q You saw this boy and you can form some sort of an idea about whether he was 21 years old or not? A Couldn't tell.
- Q Was he one month old or nearer 20 years old? A He was nearer 20 years than one month old.
- Q Do you think he was 10 or twelve years old? A Somewhere there, maybe older.
- Q Might have been older? A Yes, sir, I never did ask his age; there was mighty few who knowed their ages.
- Q I am asking you about your best judgement? A Somewhere along there, might have been older.
- Q About 10 or 12? A Yes, sir, somewhere along there.
- Q That is your judgment? A Yes, sir.
- Q A good big boy? A Yes, sir.
- Q About half grown? A Couldn't say that.
- Q He was about that old and about that large when you first knowed him? A Yes, sir, somewhere along in there, couldn't be for certain.
- Q You didn't go with them, then from Corinth any further? A Corinth, Mississippi.
- Q Say no if you didn't? A No, sir, I didn't.
- Q When did you next see his mother after you saw her at Fort Gibson? A I haven't saw her since.
- Q Haven't seen her since? A No, sir, have heard of her, but haven't seen her.
- Q Did you ever see him since? A Yes, sir, and his sister.

Q When did you see him next? A I saw him off and on ever since.
Q When did you see him next? A I don't know exactly.
Q About how long? A Might have been a year or two years, somewhere along there, a year and a half.
Q Where did you see him? A Down by Port Smith.
Q At Port Smith? A Yes, sir, with an old fellow, I forget his name now.
Q What was his name? A I forget his name.
Q Was he married then? A No, sir.
Q Do you know where this man was married? A No, sir.
Q Do you know where these children of his were born? A No, sir, only what I have been told.
Q Never have been to his house? A Yes, sir, lots of times.
Q When? A Off and on ever since he moved to Sequoyah.
Q When was that? A 12 or 13, wouldn't be positive.
Q Days or months? A Years, maybe longer.
Q That is the first time you ever saw him in the Nation, isn't it?
A No, sir, I told you a while ago.
Q Did anybody live over there in the neighborhood with Aaron Johnson? A Yes, sir, several.
Q Who can you name that lived there that is living to-day? A An old woman by the name of Polly something, I disremember her name; wasn't acquainted with her; saw her here and at Fort Gibson lots of times? Then another family lived in there, I forget their names now, but I think Starrs.
Q Starrs? A Yes, sir.
Q One of them was a Barbara Starr? A It might have been, I don't know; it was a Starr, I don't know the other name. Then there was another family lived in there called Ross?
Q Who? A Ross.
Q Don't know the first name? A No, sir.
Q Don't you know those Starr niggers wasn't brought back here until the fall of '67? A I think they were Starrs, wouldn't be positive. I think they were Starrs and a woman named Polly, I forget her other name, and then several I saw if I could think of them.
Q Aaron Johnson is dead, isn't he? A I have heard so.
Q That is the reason you picked him as the man where you saw this applicant? A No, sir, I knowed Aaron Johnson like a book, just as good as I knowed anybody.

YANCY VINSON, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Yancy Vinson.
Q How old are you? A Going on 44.
Q What is your present postoffice address? A Garrison, I. T.
Q It seems that in your original application for enrollment as a Cherokee freedman your name was spelled in the testimony, V-i-n-c-e-n-t, is that correct? A No, sir, that wasn't correct.
Q What is the correct spelling of your name? A Y-a-n-c-y V-i-n-s-o-n.

o-o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 28th day of April, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 6, 1905.

In the matter of the application for the enrollment of
Millie White et al. as Cherokee Freedmen, consolidating the
applications of:

Millie White	-----Cherokee Freedman-R-317,
Jim H. White	-----Cherokee Freedman-R-320,
Harry White	-----Cherokee Freedman-R-321,
Annie Thomas	-----Cherokee Freedman-R- 83,
Yancey Vincent	-----Cherokee Freedman-D-1068.

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On February 10, 1905, Neal & Lendon, attorneys for the
applicants, and Bell, Hastings & Davenport, attorneys for the
Cherokee Nation, were notified that the matter of the application
for the enrollment of Millie White et al. would be taken up for
hearing on March 6, 1905, at 9:00 o'clock A. M..

On this, the 6th. day of March, 1905, the applicants
appear not, either in person or by attorney, and the Cherokee
Nation represented by William W. Hastings. No request for continu-
ance has been received from the applicants or their attorneys.

Ben White, being first duly sworn, testified as follows:

- Q. What is your name? A. Ben White.
Q. What is your post office address? A. Rowland, Indian Terri-
tory.
Q. What is your age? A. I will be 47 the first of June.
Q. Do you live in the Cherokee Nation? A. Yes sir.
Q. Do you know Yancey Vincent? A. Yes sir.
Q. Where does he live? A. He lives in the Cherokee Nation.
Q. How far from you? A. He lives a little over a mile from me.
Q. Do you know Millie White? A. Yes sir.
Q. Is she a colored woman? A. Yes sir.
Q. How far does she live from you? A. I guess she lives about
two miles or more.
Q. What relation are Millie White and Yancey Vincent? A.
Brother and sister.
Q. Which is the elder? A. Millie.
Q. How long have you known Millie White? A. Ever since I was
a little bitty fellow---ever since I could remember anybody.
Q. Where did you know her? A. In North Alabama.
Q. How long have you known Yancey Vincent? A. We were just
little boys directly after the surrender. I have knowd him
ever since we were little bitty fellows.

- Q. Were you a slave? A. Yes sir.
- Q. To whom did you belong? A. Drowey Vincent.
- Q. Where did you live? A. In North Alabama.
- Q. Near what town? A. Seven miles east of Tuskmaba and two miles west of Leighton.
- Q. Who did Millie White and Yancy Vincent belong to? A. I always knowed that they belonged to the same man that I belonged to.
- Q. When you could first recollect they were living there? A. Yes sir.
- Q. When you knew them were they living there? A. Yes sir, and they went by the name of Vincent.
- Q. How long did they continue to live there in North Alabama? A. They lived there up to '81.
- Q. How long did you live there? A. Till '81.
- Q. Where did you go to then? A. After I left Alabama.
- Q. Yes? A. I come to Arkansas.
- Q. What place in Arkansas? A. Pine Bluff.
- Q. Did you know Commissioner Breckinridge? A. Yes sir.
- Q. Did you and Millie White and Yancy Vincent move there together from Alabama? A. I come in August, Yancy come in November, and Millie at Christmas in '81.
- Q. How long did you stay at Pine Bluff? A. I come to the Cherokee Nation in 1893.
- Q. Which came first, you or Millie White and Yancy Vincent? A. I come on the train and brough Millie with me. Yancy come through the country.
- Q. Had Millie married? A. Yes sir.
- Q. Where did she marry? A. In North Alabama.
- Q. She was married when she come to Pine Bluff? A. Yes sir.
- Q. Where did Yancy marry? A. In Arkansas, near Pine Bluff.
- Q. Was Yancy ever married more than once? A. Yes sir.
- Q. Was he married the first time at Pine Bluff? A. No sir, he was married in North Alabama.
- Q. What became of his first wife? A. She died after they come to Arkansas, down there about Wabeska.
- Q. And he married the second time at Pine Bluff, Arkansas? A. Yes sir.
- Q. Did you live in the town of Pine Bluff? A. No sir, I lived six miles in the country.
- Q. Where did these people live? A. When they first stopped they were on the Trulock place near Wabeska, and then they went from there to the Cherokee Nation.
- Q. You said you brought Millie along on the train? A. Yes sir.
- Q. Did her husband come along? A. He come through the country.
- Q. What was her husband's name? A. Gib White.
- Q. Was she ever married but the one time? A. No sir.
- Q. Do you know Millie White's children? A. Yes sir.
- Q. Do you know one by the name of Jim H. White? A. Yes sir.
- Q. Is he married? A. Yes sir.
- Q. Do you know his wife's name? A. Sarah.
- Q. Has he any children? A. Yes sir.
- Q. How many? A. I think he has got about four.
- Q. Do you know their names? A. No sir, they are small. They all have nicknames, and I don't know them.

- Q. Do you know any of the others of Willie White's children? A. Yes sir.
- Q. What are their names? A. I know Harry.
- Q. Where was Harry born? A. In North Alabama.
- Q. Do you know where Jim E. was born? A. In North Alabama.
- Q. Have they a younger child named Viola? A. Yes sir.
- Q. Where was she born? A. In North Alabama.
- Q. All three of these children were born in North Alabama? A. Yes sir, and one named Annie, too.
- Q. Have they got another on by the name of Annie? A. Yes sir, and one by the name of Ruthie.
- Q. Where is Annie living? A. She is staying on Mr. Payne's place.
- Q. Who did she marry? A. Bill Thomas.
- Q. Is he a Freedman? A. Yes sir.
- Q. He married Annie White? A. Yes sir.
- Q. They were married down here in the Cherokee Nation? A. Yes sir.
- Q. Where was Annie Thomas born? A. In Alabama.
- Q. Did you say that you brought Millie White with you on the train when you came in '93 from Pine Bluff, Arkansas? A. Yes sir, I came with her.
- Q. Had she ever been in the Cherokee Nation before? A. Not that I know of.
- Q. They never claimed then that they belonged here? A. No sir, not as I heard.
- Q. They never claimed then to be citizens of the Cherokee Nation? A. If they did I didn't hear them.
- Q. When did Yancy Vincent come to the Cherokee Nation? A. In '93, in August.
- Q. Was it before or after you came? A. After. I came in February.
- Q. Where did he leave when he came here? A. Down there about a place they call----down below Wabesaka?
- Q. How far from Pine Bluff? A. I don't know how far it is. He worked down there in some shingle mills.
- Q. Has Yancy Vincent a family? A. Yes sir.
- Q. You say he married his second wife at Pine Bluff? A. Yes sir.
- Q. Did he have any children by his first wife? A. Yes sir.
- Q. What are their names? A. Lish, Matilda, and William Yancy.
- Q. Did he have a child by his first wife named William Yancy? A. Yes sir.
- Q. Where is he? A. He died. He and his mother both died down there.
- Q. Has he any children by his last wife? A. Yes sir.
- Q. Do you know their names? A. No sir, I don't know them--- I mean I don't know their names. He has three or four there. They are small. I have got the name of one of them right on my tongue, but I can't call it.
- Q. Is one named Colwest? A. Col--- that is it. I do not know about any but Col, but he is going to school with my children.

COMMISSION:

- Q. How old do you say you are? A. According to the way my age is given to me, I will be 47 the first of June of this year.

- Q. Who was the mother of Millie White? A. Her mother was named Charlotte.
- Q. Did you come with Millie White and Yancy Vincent from Alabama to Arkansas? A. I did not come with them, but they came to Arkansas in the same year.
- Q. Who came first? A. He. I got there first.
- Q. When did you come? A. In '61.
- Q. Did you know Millie White and Yancy Vincent all the time from the war up to the time you came to Arkansas? A. I knew them ever since directly after the surrender.
- Q. Did you know them continuously? A. Yes sir.
- Q. How near did you live to them? A. Sometimes on the same place, and sometimes just be moved off to other places, like people do.
- Q. Could they have gone away for about a year at the close of the war and you not know anything about it? A. Yes sir.
- Q. Could they have gone away for more than a year and you not know it? A. They might have gone for two years.
- Q. Did they ever tell you that they had been to the Cherokee Nation prior to 1861? A. No sir.
- Q. Did you meet them often? A. Yes sir, excusing the two years I have spoke about. At that time I was up on the Tennessee river.
- Q. You visited at their houses? A. No sir, but I saw them at church.
- Q. Did you ever take any meals at their houses? A. No sir.
- Q. You never heard them say anything about being in the Cherokee Nation? A. No sir.
- Q. Did you ever live in Argenter? A. No sir.
- Q. Did you ever live in Little Rock? A. No sir.
- Q. Are you an applicant before this Commission as a Freedman? A. No sir, I am a state man.
- Q. Have you ever made any application before this Commission? A. No sir.
- Q. When did you first find out that Millie White and her relatives had made application as Cherokee Freedmen? A. Let me see--- I do not know. I couldn't tell just exactly when, but I have been hearing it a good while.
- Q. About when did you hear it first? A. It has been two or three years, I reckon.
- Q. Did you tell anyone at the time you heard this that these people were living in Alabama at the time of the war? A. No sir, nobody never asked me about it.
- Q. When were you first asked to testify in this case? A. I believe last year.
- Q. Who asked you? A. I believe Mr. Frank Morgan asked me if I knewed them in Alabama, and I told him--yes, I knewed them.
- Q. Have you ever had any trouble with any of these applicants? A. No sir.
- Q. Are you good friends? A. Yes sir.
- Q. How near do you live to them? A. I live about a mile from Yancy---it may be a few steps over a mile, but we call it a mile.
- Q. Did you ever talk to Yancy about this case? A. No sir.
- Q. Did you ever talk to Millie White about it? A. No sir.

Mr. Hastings:

- Q. You are sure you are not mistaken? A. No sir, I know these people.

- Q. You understand do you that you are under oath? A. Yes sir.
- Q. You swear positively that you knew of your own knowledge that from about two years after the war up to 1881 these people lived in Alabama? A. Yes sir, excusing the two years that I was up on the Tennessee river.
- Q. Then, with the exception of two years after the war up to 1881 you knew that these people lived in Alabama? A. Yes sir.
- Q. They might have been in the Cherokee Nation those two years after the war? A. They might have been but I never heard of it.

COMMISSION:

- Q. Where were you when you can first remember? A. I was living there with Vincent.
- Q. With your old master? A. Yes sir.
- Q. Where was Millie White at that time? A. She was on the place. I was his servant-- to wait on him, and Millie was on the place.
- Q. Where was Yancy Vincent? A. He was on the place, too.
- Q. Was Millie White married when you can first remember? A. Yes sir, they said that she was married.
- Q. Did you go away from there a year or two after the war? A. I left and went up on the Tennessee river and stayed two years.
- Q. How far from where you had been living? A. About 13 miles.
- Q. When you come back were these people still living there? A. I didn't see Yancy, but I saw Millie.
- Q. How long after you come back? A. About six months. You knew a boy running around, like me, nobody could keep him at home. But I saw Yancy about six months after that.
- Q. Had the war closed when you left there? A. Oh! yes sir, that was after the surrender.
- Q. How long after the surrender was it that you went up on the Tennessee river? A. I went up there in '70.
- Q. Then up to '70 from your very earliest recollection Millie White and Yancy Vincent were there on old man Vincent's place? A. Yes sir.
- Q. You said that they belonged to the man to whom you belonged? A. Yes sir, I always heard that they belonged to Vincent.
- Q. They went by the name of Vincent? A. Yes sir.
- Q. What was their mother's name? A. Charlotte.
- Q. What name did she go by when you can first remember? A. Vincent.
- Q. Did she belong to the same party? A. Yes sir. I have always heard so.
- Q. She was living there when you can first remember? A. Yes sir.
- Q. What was her name---was she married--- this Charlotte? A. No sir, she didn't have no husband. She was sold from her man and he was sent to Tennessee.
- Q. Did Charlotte ever come to this country? A. No sir, she died in Jefferson County, Arkansas, in '93.
- Q. Did she come out there with Millie White and Yancy Vincent in '81? A. Yes sir.

- Q. She never was here, then? A. I never heard it mentioned that she ever was here.
- Q. You never heard it claimed that she was? A. No sir, I never heard Cherokee Nation named among them, and I never heard them claim to be Cherokees at all.
- Q. They have always been known as the slaves of this man Vincent, to whom they belonged? A. Yes sir.
- Q. You do not know how old you were when you first remember, but you have known them ever since you could know anything?
- A. Yes sir. I do not know just exactly how old I am, for I take it from what the others gave me and count it the best I can.
- Q. You say you belonged to Vincent? A. Yes sir.
- Q. In Alabama? A. Yes sir.
- Q. What was he -- a white man? A. Yes sir.
- Q. Did you know a man called Ben Johnson in Alabama? A. No sir.
- Q. Millie White says that she was the slave of Annie Johnson, the wife of Ben Johnson, and that Annie Johnson was a Cherokee. Is that true? A. I didn't know this fellow Johnson.
- Q. Did a man by the name of Johnson ever own any slaves there, that you know of? A. Not that I know of. I never heard it at all.
- Q. If Millie White had been the slave of a man called Ben Johnson would you have known it? A. I speak so, for I know who they say she did belong to.
- Q. Did you know her throughout the war? A. No sir, I was too little. About the second year after the surrender I commenced knowing people, just like children do. I was born in time of the war.
- Q. Do you swear that Millie White was the slave of a man called Vincent? A. I have always heard that, and she went by that name.
- Q. Was Millie White living on the place of this man Vincent during the war? A. Yes sir, when I come to know her.

WITNESS EXCUSED.

W. J. Davis, being duly sworn, testified as follows:

- Q. What is your name? A. W. J. Davis.
- Q. What is your age? A. I am 52.
- Q. Have you been sworn? A. Yes sir.
- Q. What is your post office address? A. Rowland, I. T.
- Q. Do you know Millie White? A. Yes sir.
- Q. Do you know her husband, Gib White? A. Yes sir.
- Q. Do you know Yancy Vincent? A. Yes sir.
- Q. When and where did you first know Millie White and her husband Gib White? A. I knew them in Jefferson County, Arkansas, at Pine Bluff.
- Q. When did you know them down there? A. I got acquainted with them in 1890.
- Q. What is your business? A. Well, I farms a little, and preaches some.

- Q. Were you preaching down there in Arkansas? A. Yes sir.
- Q. Were they members of your church? A. I was a licensed preacher at that time, but sometimes I preached at the church of which Gib White was a deacon.
- Q. Where were they living then? A. On Jim Trulock's place.
- Q. Did you know his family? A. Yes sir.
- Q. Do you know the names of any of his children? A. He has a son named Jim, one named Harry, a girl named Annie, and I forget the other girl's name. I know four of his children.
- Q. Do you know Ruthie? A. Yes sir. Ruthie is a elder girl than Annie.
- Q. Do you know Viola? A. Yes sir, she is next to the baby.
- Q. Were they living with their father and mother in 1890, in Arkansas? A. Yes sir, they were there. I met them in Sunday school many a time.
- Q. Who came to the Cherokee Nation first, you or them? A. I come first. I come to the Cherokee Nation in 1890, the fall of 1890, and I left them on Jim Trulock's place. I come here to Muskogee and preached, then went to Vian and they called me as their pastor, and after that I went back to Pine Bluff to move my wife here and I told them the Cherokee Nation was a nice place. I taught Sunday school that day, and from my talk they found out that I had been in the Cherokee Nation and after Sunday school I was talking to several of them about this country, and Gib White said he believed he would move out here. While I was talking to them I told them I had been called pastor at Vian.
- Q. Was Millie and Gib White among these you told about the Cherokee Nation? A. Yes sir, they were on the ground.
- Q. Did they know before of the Cherokee Nation? A. If they did I don't know it.
- Q. Did they claim at that time to have ever been here? A. No sir.
- Q. Did you, after that time, come to the Cherokee Nation? A. Yes sir, I come back in '91.
- Q. When did you first see them up here after that? A. I seed them in the Cherokee Nation in '93.
- Q. Do you know how long they had been here when you first saw them---did they say anything about when they came? A. Yes sir, the first time I met up with them after they come, I went over to Fort Smith, and I had the pleasure of meeting up with Gib White and he said to me "I am glad to see you. I am living in the Cherokee Nation now, I come week before last."
- Q. That was in '93? A. Yes sir.
- Q. Did you know Millie White's mother? A. Yes sir.
- Q. Do you know her brother, Yancy Vincent---did you know him in Arkansas? A. Yes sir, I seed him there, but me a being a preacher and him a sinner, I didn't know him very well.
- Q. About when did you see him up here? A. I think it was in 1895 or 1896. I think Gib was here two or three years before I saw Yancy.
- Q. Did you ever hear them say in Arkansas where they were from---to whom they had belonged? A. No sir, I never heard them say anything about it.

COMMISSION:

- Q. The first time you got acquainted with Millie White was in 1890? A. Yes sir.
- Q. You knew nothing of their history prior to that time? A. No sir.

- Q. Where did you say met them in Arkansas? A. On Jim Trulock's place, near Pine Bluff.
- Q. Do you know Sam White of Van Buren? A. I know one Sam White. He is a baptist preacher.
- Q. How old a man is this Sam White? A. I don't know, sir. He is enough older than me. I think he is about 60 or 70 years old.
- Q. Are you an applicant here as a Cherokee Freedman? A. My wife is, but I am not.
- Q. What is your wife's name? A. Julia. She was a Johnson before I married her.

WITNESS EXCUSED.

Lewis Johnson, being duly sworn, testified as follows:

MR. DISTINGUISH:

- Q. What is your name? A. Lewis Johnson.
- Q. What is your age? A. About 55.
- Q. What is your post office address? A. It has been Bengo, but it is Rowland now.
- Q. Are you a Cherokee Freedman? A. Yes sir.
- Q. What is in the vicinity of Fort Smith? A. Yes sir.
- Q. How long have you lived in that vicinity? A. I have lived there all my life.
- Q. How far do you live from Fort Smith? A. About four miles west.
- Q. That is known as the Fort Smith Bottom? A. Yes sir.
- Q. To whom did you belong before the war? A. Ben Johnson.
- Q. Where did Ben Johnson live? A. Just this side of the river, just this side of Fort Smith.
- Q. Were you living there with him when the war came up? A. Yes sir.
- Q. Do you know Millie and Sib White? A. Yes sir.
- Q. Do you know Yancy Vincent? A. Yes sir.
- Q. Do you know their families? A. Yes sir.
- Q. Do you know Jim White, the son of Sib White? A. Yes sir.
- Q. Is he married? A. Yes sir.
- Q. Do you know Harry White? A. Yes sir.
- Q. Is he also a son of Millie and Sib White? A. Yes sir.
- Q. Is Yancy Vincent a man of a family? A. Yes sir.
- Q. How far do these people live from you --- do they live in the same neighborhood? A. Yes sir. Vincent lives about a half or three quarters of a mile from me.
- Q. How far does White live from you? A. I think they call it about five miles.
- Q. How long have you known Millie White and Yancy Vincent and their families? A. I have known Sib White ever since about '93 or '94.
- Q. Do you know where he came from there? A. No sir, I don't know where he came from. He said he came from the states.
- Q. When did you get acquainted first with Yancy Vincent? A. I guess it was about 1890.
- Q. Do you know where he came from? A. He said the same thing --- that he came from the states.
- Q. From what state? A. He said "down in the states".

- Q. Did you ever know their mother? A. No sir.
 Q. You never knew Charlotte? A. No sir.
 Q. Did you ever know Millie before 1893 or 4? A. No sir.
 Q. Did you ever know Yancy Vincent before 1895? A. No sir.
 Q. Did they or their mother ever belong to Ben Johnson? A. No sir, not that I know of.
 Q. Did you ever hear of Charlotte belonging to Ben Johnson? A. No sir.
 Q. Did you ever see either of them at Ben Johnson's place prior to the war? A. No sir.
 Q. Did you ever hear of Ben Johnson hiring out a slave over in the state of Alabama? A. No sir.
 Q. Did you ever hear of him hiring out Charlotte, the mother of Millie and Yancy, to a man named Curd Vincent in the state of Alabama? A. No sir.
 Q. Did Ben Johnson own a slave at the beginning of the war by the name of Charlotte? A. No sir.
 Q. Did he own one by the name of Yancy? A. No sir.
 Q. Did he own one by the name of Millie? A. No sir.
 Q. You never knew Gib White and his wife before 1893? A. No sir.
 Q. And you never knew Yancy Vincent before 1895? A. No sir.
 Q. Did you know all the colored people in the bend of the river? A. Yes sir, I know all that live there.
 Q. Prior to that time it was more or less thinly settled? A. Yes sir.
 Q. You have lived there before the war and after the war continuously, all the time? A. Yes sir.
 Q. And you never saw Millie White before 1893 and Yancy Vincent before 1895? A. No sir.
 Q. What was your mother's name? A. Mary.
 Q. Did your mother ever have a sister by the name of Charlotte? A. I never heard of it.
 Q. How old did you say you are? A. About 53.
 Q. Do you remember your mother? A. Yes sir.
 Q. Was she living when the war came up? A. Yes sir.
 Q. When did she die? A. Since the war.
 Q. Was she living at Ben Johnson's? A. Yes sir.

COMMISSION:

- Q. You said you were the slave of Ben Johnson -- was he a Cherokee Indian? A. Yes sir.
 Q. Are you a Cherokee Freedman? A. Yes sir.
 Q. On the final roll? A. Yes sir.
 Q. Have you filed? A. Yes sir.
 Q. Got you deed yet? A. No sir.
 Q. When did you file? A. I think it was somewhere along about the 24th or 25th. of August.
 Q. How many slaves did Ben Johnson have when the war broke out? A. I don't know how many.
 Q. Have not you some idea how many? A. A. No sir.
 Q. Did he have a large number or just a few? A. He had a large number.
 Q. Did you know any of them personally? A. Yes sir, I knowed every darky he had.
 Q. Do you know whether Johnson hired out any of them about the beginning of the war? A. No sir, he didn't that I know of

- Q. Was he in the habit of hiring slaves out? A. Well, there was one woman there by the name of Big Mary. He hired her out in Fort Smith, and she is the only one that he hired out that I knowed of.
- Q. How far was that from his home? A. Just right across the river.
- Q. Do you know Annie Thomas? A. Yes sir.
- Q. What is her husband's name? A. Bill
- Q. What is his mother's name? A. Carrie West, now.

WITNESS EXCUSED.

Ben White recalled.

Mr. Hastings:

- Q. You were subpoenaed up here as a witness? A. Yes sir.

WITNESS EXCUSED.

Sam White, being duly sworn, testified as follows:

REAL & LONDON:

- Q. What is your name? A. Sam White.
- Q. How old are you? A. 78 last Saturday.
- Q. Where did you live shortly before the outbreak of the war?
- A. My home was in Newton County, Missouri, but I was living in Van Buren. I came there in 1844.
- Q. Are you acquainted with Millie White? A. Yes sir, I have met her. She was a small girl though, when I saw her.
- Q. Do you mean when you first saw her? A. Yes sir.
- Q. Were you acquainted with her mother? A. Yes sir. I was very well acquainted with her mother.
- Q. What was her mother's name--who did her mother belong to?
- A. Mr. Johnson.
- Q. Did she belong to Mr. Johnson? A. She belonged to the Johnson family--she belonged to Mrs. Johnson.
- Q. Were you acquainted with the mother of Millie White? A. Yes sir.
- Q. When did you first know her? A. I think the first time I saw her was -- the first time that I remember of seeing her was in '55.
- Q. What was Millie White's mother's name? A. Charlotte. I believe it was in '55 the first time I saw her.
- Q. It was some time before the war? A. Yes sir. A good while before the war.
- Q. At that time, you say she was the slave of the Johnsons? A. She belonged to the Johnson family, and I learned that she belonged to Mrs. Johnson.
- Q. Do you know where she was at the outbreak of the war of the Rebellion? A. She was around home, I reckon.
- Q. Do you know anything about the circumstances of her going to Alabama? A. Yes sir.
- Q. What do you know about it? A. I must tell you in my own way. Before the war you know the negroes that belonged to the different owners who could now permitted to preach to the

colored people. I was preaching to the colored people at Mr. Johnson's, in other words, I mean to say, that Mr. Johnson had me to preach to his slaves just before he was going away with some of them, he had me to go over and preach to the Starr negroes.

Q. Well, you went over there and preached? A. Yes sir, that was about the time she was going to leave to go to Alabama.

Q. If at that time you had any conversation with the master or mistress of of Charlotte about her removal to Alabama, tell us about it. A. I didn't have any conversation with Mr. Johnson about it at all. Mrs. Johnson said Charlotte was her favorite negro. She had come by her from her mother's estate and she didn't want to part with her. There was some sort of a debt that Mr. Johnson wanted Charlotte to go for so as to liquidate that debt. Mrs. Johnson wouldn't sign the bill of sale, so Mr. Johnson hired Charlotte to this man to liquidate the debt some way or other, and I was in there preaching and Mrs. Johnson wanted me to console Charlotte by letting her know that she would come back home again. So she went away under those circumstances, and that is all I heard Mrs. Johnson say about it.

Q. Did you see the man, Vincent, who was to take her away? A. I did not. Soon after that time these people got away to Alabama-- that is, I mean to say in other words, I was told that they went away to Alabama. I never saw Charlotte any more for several years.

Q. Did you see her any more before the war? A. No sir, I didn't.

Q. After the war when did you first see this woman---Millie White --- under what circumstances? A. The first time that I saw Millie after that was at Fort Gibson. I will have to tell it in my own way so you can get at it. I was detailed as a recruiting officer in the army, and there were a good many colored people at Fort Gibson, and I went down to their camp hunting up names, and I found Millie down there. To use her language, she told me she was just on her return to her home.

Q. Do you mean Millie, or the mother of this Millie? A. I do not mean Millie, but Charlotte Johnson.

C. When was that? A. That was in '68 I think.

Q. Did you see --- you say you saw her in Fort Gibson in '65? Did you see her the next year? A. Yes sir. In '66 we

organized a church down at what is commonly known as Jacktown. In the Cherokee Nation? A. Yes sir.

Q. Is Fort Gibson in the Cherokee Nation? A. Yes sir, I suppose so.

Q. About when did you organize that church? A. I think, as well as I can remember, that it was in August of '66.

Q. State whether or not at that time, as pastor of that church, Charlotte Johnson, the mother of Millie White, joined your church? A. She did.

C. You think it was in August, '66? A. Yes sir, I think so.

Q. After that time how long did you know Millie? A. I didn't say Millie. I just preached there that year and until about the middle of '67, then I went to Pine Bluff.

Q. After then how long was it until you renewed your acquaintance with Millie White---- I mean Charlotte Johnson?

A. Well, I don't know.

Q. Are you sure of the fact that this Millie White, the applicant herein, and the woman that came with you this morning, is the daughter of Charlotte Johnson? A. Yes sir.

- Q. Are you acquainted with her brother, Yancy Vincent? A. Yes sir, I have seen Yancy, but to say to know him, I couldn't.
- Q. Did Charlotte have any children when she came back after the war? A. Yes sir, she had a good sized little girl.
- Q. Did she have any other children? A. She had a little boy with her, but he has grewed out of my knowledge.
- Q. You do not know whether that boy is Yancy Vincent or not? A. I just know what they say about it.

MR. HASTINGS:

- Q. Where do these people live now? A. Down here in the Cherokee Nation somewhere.
- Q. Have you been to their places? A. No sir.
- Q. Did you ever see them living in the Cherokee Nation? A. Yes sir.
- Q. When? A. Well, it has been --- I don't know exactly how many years ago. They used to live right above Mr. Stenoread's.
- Q. How long ago now? A. 8 or 10 years ago.
- Q. Did you ever see any of these applicants living in the Cherokee Nation prior to 8 or 10 years ago? A. Yes sir, I saw their mother.
- Q. Where? A. She lived there up above or up on Garrison Creek.
- Q. When? A. They lived up there in '72 --- '71 or 8.
- Q. Who lived up on Garrison's Creek? A. Millie White's mother.
- Q. Charlotte Johnson? A. Yes sir.
- Q. How far is that from Fort Smith? A. It is about 7 or 8 or 10 miles.
- Q. Was Millie White living with her mother then? A. I don't know whether she was living with her mother or not.
- Q. What was Charlotte Johnson's husband named in '72? A. Well now, I don't know whether she had a husband or not.
- Q. Were you at her house then? A. Yes sir.
- Q. Where did she live in '72? A. I don't know if I could tell you exactly where she lived except you know where old man Jack Campbell lived? She lived about three miles from there.
- Q. What direction? A. South or southeast.
- Q. Was that down the creek? A. No sir, it was in this direction.
- Q. That would have been on the south side of the river, wouldn't it? A. No sir, It was on the north side of the river.
- Q. You do not know whether she had any family living there with her or not at that time? A. She had a boy there.
- Q. What was his name? A. She called him Yancy.
- Q. And you saw Yancy there living with her in '72? A. Yes sir.
- Q. When did you see her next after '72? A. Q. I didn't see her any more.
- Q. When did you next see Millie White? A. I don't remember seeing her any more to know her until a few days ago.
- Q. What kind of a house did they live in? A. A little log house. It was on a man's place by the name of McKibben. McKibben was running the farm.
- Q. Did McKibben own the farm? A. I don't know whether he owned it or had it leased.

- Q. How far was this cabin from the river? A. I expect it was a mile or two.
- Q. Did you ever see this Charlotte in Pine Bluff? A. No sir.
- Q. Did you ever see Millie White there? A. No sir.
- Q. Did you ever see Yancy there? A. No sir.
- Q. Did you ever live in Pine Bluff? A. I have been there a while, but it was never my home.
- Q. What was Ben Johnson's wife's name? A. I couldn't tell you.
- Q. Did Ben Johnson have any children? A. Yes sir.
- Q. What were their names? A. He had one son named Ben, and two more boys, but I couldn't call their names.
- Q. What kind of a house did Ben Johnson live in? A. A double log house.
- Q. Did this slave belong to Ben Johnson's wife? A. That is what I understood. That is what Mrs. Johnson told me.
- Q. But you never saw her at Ben Johnson's home after '55? A. No sir.
- Q. Did you know that she was living in Tuskuaba, Alabama? A. No sir.
- Q. Are you a Cherokee Freedman? A. No sir.
- Q. How old was Millie in 1855? A. I do not know, sir.
- Q. About how big was she-- was she born? A. Yes sir, she was born.
- Q. How large was she? A. She was a small girl.
- Q. How old was she? A. I couldn't tell you. To look at her, she looked like she was 6 or 7 years old.
- Q. How old was Yancy in '55? A. I never saw Yancy---When I first saw him he was about 5 or 6 years old.
- Q. Where were they when you first saw him? A. In a tent at Fort Gibson.
- Q. Where were they? A. Down in what was known as the counter-bine camp.
- Q. Was Millie married at that time? A. Not that I know of.
- Q. Was her husband there? A. She wasn't married that I know of.
- Q. How long were they there? A. Not long.
- Q. One day? A. Longer than that.
- Q. Was the war over? A. In '65? Yes sir.
- Q. When did you see them next? A. In '72.
- Q. Where did you see them then? A. They were down at the church --- I mean, that is to say, Charlotte was at church.
- Q. You never saw Millie? Nor Yancy? A. I never saw Millie --- I had saw Yancy I reckon, but I never saw Millie from the time that she come down with her mother to church till I went to Pine Bluff and back.
- Q. Did you see her in Pine Bluff? A. No sir.
- Q. When did you come back from Pine Bluff? A. In '74.
- Q. Then where did you see her in '74? A. In Jacktown.
- Q. Was she living there? A. I dont know. She was there at church.
- Q. Did you see her frequently after that? A. No sir, for I quit preaching there. The next time I saw her she was in Van Buren.
- Q. Was she living there? A. No sir, she was on a visit.
- Q. When you saw them up here at Fort Gibson, how did they say they ever got back from Alabama? A. They said that Mr. Vincent sent them back.
- Q. Did Ben Johnson have any other slaves? A. Yes sir.

- Q. Name some of them? A. Well, he had -- that is --- I mean to say that Mrs. Johnson had two more slaves.
- Q. What were their names? A. Mariah and Rebecca.
- Q. Were they the only slaves about the place? A. They are all I saw.
- Q. Did Ben have any slaves? A. I don't know.
- Q. Then you only saw Mariah, Rebecca and Charlotte there the last time? A. Yes sir.
- Q. You preached there? A. Not at the house but once.
- Q. You didn't see any other negroes? A. I saw some more, but I didn't know whether they belonged to Mr. Johnson or not.
- Q. You do not know who they belonged to? A. No sir, all I know is what Mrs. Johnson told me.
- Q. That was in '55? A. Yes sir. She told me just before they left home. That was in '55 I think, but I am not so sure about it.
- Q. What year did you say it was? A. '54 or '55, just before the war commenced.
- Q. How many years before the war? A. It must have been 10 or 11 years before the war.
- Q. That is your best judgment? A. Yes sir.
- Q. How many years after the war was it till you saw them back here again? What I want to learn is this---how long after the war was it that you saw Charlotte, Millie and Yancy? A. I saw them during the war.
- Q. I want to know how long after the war? A. I saw them in '66---they were down here at Jacktown.
- Q. What time in '66? Do you mean to swear on the stand that you know these people did belong to Ben Johnson's wife, and that you saw them here in the Cherokee Nation in '66? A. I mean to say that.
- Q. You are a slave yourself? A. Yes sir.
- Q. You are a preacher? A. Yes sir.
- Q. When did you first see Millie White's husband? A. I don't know that I ever saw Millie White's husband.
- Q. Has she got any children? A. Who?
- Q. Millie White? A. I don't know.
- Q. When did you first see Millie White after '66 in the Cherokee Nation? A. I saw her, as I remember, about the time that we were carrying on a revival at Jacktown, in August.
- Q. Where did you next see her? A. I think I next saw her in Van Buren.
- Q. Did you ever see any of her children? A. If I did I didn't know it.
- Q. Did you ever see her husband? A. I do not know if I have ever saw her husband.
- Q. Do you know her husband's name? A. No sir.
- Q. Do you know where Yancy Vincent was married? A. No sir.
- Q. You do not know that he was married in Alabama? A. No sir.
- Q. You didn't know that his wife died at Pine Bluff? A. No sir.
- Q. How long has Yancy been living in the Cherokee Nation? A. I don't know.
- Q. When did you see him in his house in the Cherokee Nation? A. I never saw Yancy Vincent keeping house anywhere.
- Q. Were you ever at Millie White's house? A. No sir.
- Q. Where did Charlotte die? A. Up there in the Nation some where.
- Q. On whose place? A. I don't know.
- Q. Don't know that she died at Pine Bluff, Arkansas? A. No sir, I don't.

- Q. Will you swear that she did not die at Pine Bluff, Arkansas?
A. I will swear that if she did I don't know it.
Q. Where did you ever see her living in the Cherokee Nation after the war? A. She was up here on Garrison Creek.
Q. That is three miles southeast of the Jack Campbell place?
A. Yes sir.
Q. You do not know Mrs. Johnson's name? A. No sir.
Q. And you do not know any of the slaves except those you mentioned? A. No sir.
Q. Who was Charlotte Johnson living with when you saw her there?
A. I don't know who she was living with. She was living in a cabin there, and I come by and stopped. I was working at that time for Mr. McKibben.
Q. You did not see her children then? A. No sir, I just stopped there. I was working for Mr. McKibben.
Q. You didn't see any man about the place? A. I don't think I did.
Q. Did she die right there? A. I don't know.
Q. You do not know whether she had any husband or not? A. No sir.
Q. How old was this Charlotte Johnson when you saw her before the war? A. She was a grown woman.
Q. Do you think she was 20 years old? A. I suppose she was.
Q. What is your best judgment? A. I suppose her to be about 20 years old.
Q. Yancy was not born then? A. I reckon not.
Q. What is your post office address? A. Van Buren, Arkansas.

COMMISSION:

- Q. You say you first saw Charlotte Johnson about the year '55?
A. Yes sir.
Q. When did you next see her? A. I saw her again --- the first time I saw her was in '55, and then I saw her again just about the time of a little before she left home.
Q. She left the Cherokee Nation about '55, didn't she? A. Yes sir.
Q. How soon after that did you see her? A. It was in --- it must have been '65.
Q. Where did you see her at that time? A. At Fort Gibson.
Q. When did you next see her? A. It was at Jacktown. I think it was probably in the same year or the year following--- in '66.
Q. Where did you next see her? A. I saw her tolerably frequently then till I left there, and then I never have seen her any more.
Q. Do you know whether she is living or not? A. No sir.
Q. When was the first time you saw Millie White? A. I saw her with her mother in '55.
Q. And then they went to Alabama in that year, didn't they? A. That was my understanding.
Q. Then when did you next see Millie? A. With her mother at Fort Gibson.
Q. Then where next? A. With her mother at Jacktown in '65 or '66.
Q. When did you next see her? A. I saw her in Van Buren, I think it was in '67.

- Q. Where did you see her after that? A. I have not seen Millie any more until here about, probably, a year ago.
- Q. From 1867 up to 1904 you have never seen her again? A. No sir.
- Q. Do you know whether this Millie White, that is an applicant here, is the same Millie that you knew in 1867? A. I don't know, only she claims she is the same Millie.
- Q. You do not know whether she is the same one? A. I wouldn't swear that she was the same one, for she was a little girl then.
- Q. You saw her in 1867 in Van Buren, Arkansas, and then you never saw her again until 1904? A. Yes sir, that is correct.
- Q. You think you can not be mistaken about her being the same one? A. I do not say that I could not be mistaken.
- Q. Do you know the name of the man to whom she was transferred in 1865? A. Yes sir, Mr. Vincent.
- Q. What was his first name? A. I don't know his first name. I always heard them call him Mr. Vincent. I want to understand you--- did you say Millie or Millie's mother.
- Q. I said Millie, but I meant her mother, Charlotte. You stated just now in your examination in chief that you opened a church in Fort Gibson in 1866? A. No sir, not in Fort Gibson.
- Q. You stated that Millie joined the church? A. I said Millie's mother joined the church.
- Q. Where? A. At Jacktown.
- Q. Have you got any record of that at all? A. I think I have.
- Q. Have you a list of all of the communicants in the church at that time? A. I have the list of most of them.
- Q. Have you it with you? A. No, part of it is at home, and part of it was destroyed by an overflow.
- Q. Does the part that was destroyed refer to 1866? A. No sir. The roll have got desoroyrd---the roll of membership.
- Q. Then you have no record of it at all? A. Yes sir, I have a record of the organization.
- Q. Have you a list of the members of the organization? A. I told you just now that that got destroyed by an overflow.
- Q. When was the overflow? A. Last year.
- Q. Did you have it in your possession last year? A. Yes sir.
- Q. Do you know the names of all the members of your congregation at that time? A. No sir.
- Q. How did you remember specially the name of Charlotte? A. It was because I had some talk with Charlotte.
- Q. How many of the members of your congregation, at the time Charlotte joined the church, do you remember now? A. Jack Campbell, Jack Campbell's wife, Sarah, Millie Starr, George Benton, Martha Stell, Morgan Killisen, Isom Thomas, Bell Vaughn, and Mary Hanev.
- Q. How many were there in the congregation? A. 10 or 12.
- Q. Are those people, whose names you mentioned, living? A. I do not think any of the Campbell family are living. I don't know whether any of the Starr negroes are living.
- Q. Are any of those that you mentioned living? A. Yes sir.
- Q. Who are they? A. Isom Thomas is living.
- Q. Where is he living? A. At Newport, Arkansas.
- Q. Is he a Cherokee Freedman? A. No sir I reckon not.
- Q. All of those were members at the same time that Charlotte was? A. Yes sir.
- Q. That was in '66? A. Yes sir.

- Q. Are you positive about that? A. Yes sir.
Q. Can you fix the month? A. I am not right positive, but I think it was the latter part of August or the first of September.
Q. At that time Charlotte was a member of your church? A. Yes sir.

MR. HASTINGS:

- Q. Where was this church? A. At Jacktown.
Q. Where did they live? A. They lived about two or two and a half miles from the Stoneroad place.
Q. What direction? A. It was northwest from the Stoneroad place.
Q. On whose place did they live? A. Jack Campbell's place.
Q. I believe you have just answered the Commission that you never saw either Millie or Charlotte after 1867 until you saw Millie last year. That is the truth is it? A. I think it is. I do not remember seeing her since I saw her in Van Buren in '67.
Q. You testified awhile ago that you saw Charlotte in 1872, didn't you? A. I might have seen her then.
Q. But you told the Commission that you had not seen her since '67? A. I told him I didn't think I had.

COMMISSION:

- Q. How old are you? A. I was 78 years old last Saturday.
Q. Can you read and write? A. Yes sir.
Q. Can you read and write well? A. Sufficient for the people to understand it.
Q. Can you write a letter? A. Yes sir.
Q. What is your business? A. Farming and preaching.
Q. How much farm have you? A. 40 acres.
Q. In cultivation? A. Yes sir.
Q. Does it belong to you? A. Yes sir.
Q. Do you remember any of the Johnsons having a slave by the name of Lewis? A. I do not know. He might have had.
Q. How many of the slaves of Ben Johnson did you know? A. Not any of them hardly. The only way that I knew any of the slaves of Mr. Johnson -----
Q. Do you remember a slave by the name of Lewis Johnson? A. I do not. I have heard of him, but I don't know him.
Q. Do you know that man (indicating Lewis Johnson)? A. I have saw him.
Q. Did you ever see him on Ben Johnson's place? A. I do not know that I ever have.

COMMISSION TO LEWIS JOHNSON:

- Q. Do you remember that man? A. I have saw him, but I don't know him.
Q. Do you remember the time that Charlotte Johnson was sent to Alabama? A. No sir.

MR. HASTINGS TO LEWIS JOHNSON:

- Q. Did this man ever preach on Ben Johnson's place or at Jacktown after the war? A. I don't know.

- Q. Did Charlotte Johnson, the mother of Millie White, live there on Jack Campbell's place after the war? A. I don't know. There was one Charlotte Johnson that belonged to Anderson Johnson, but she was a little girl.
- Q. Was she a little girl after the war? A. She wasn't grown.
- Q. What became of her? A. She is down there now.
- Q. Is she living yet? A. Yes sir.
- Q. Did she ever marry? A. Yes sir.
- Q. What was her husband's name? A. She was married to a man by the name of Burden.
- Q. Was there any Charlotte Johnson who was a slave before the war, and who was grown, who lived in that country at all? A. Not that I know of.
- Q. Could there have been a slave of Ben Johnson by the name of Charlotte and you not know her? A. I think not.
- Q. Where did Ben Johnson live? A. In Sequeyah District, this side of Fort Smith.
- Q. Did Ben Johnson or his wife own a slave by the name of Charlotte when the war come up? A. I never knew it.
- Q. Did you ever hear of them hiring out a slave to a man by the name of Vincent, in Alabama?
(Neal & London, object to the question, because it is hearsay testimony)
(Objection noted)
- A. No sir.

Neal & London, not being present when Lewis Johnson was first examined, heard his testimony read, and now cross examines him.

NEAL & LONDON:

- Q. Was Ben Johnson a Cherokee? A. No sir, he was a white man and his wife a Cherokee.
- Q. What was her name? A. They called her Annie.
- Q. You say you never knew Charlotte Johnson, the slave of Annie Johnson? A. No sir.
- Q. Were you a house servant or a field nigger? A. I worked around the house.
- Q. How old were you? A. I don't know exactly how old I was.
- Q. You are 53 now? A. Somewhere along about that.
- Q. You would be 9 years old when the war broke out, wouldn't you? Just a little boy like that (measured as high as the table)? A. I was bigger than that.
- Q. You said you are 53, and that would make you only 9 years old then. Do you mean to testify that you knew all of Johnson's niggers, both the house servants and the field hands? How many did he have? A. Yes sir, I knew them all, but I couldn't tell you how many there were. I couldn't count them.
- Q. You mean to say that at 9 years of age --- could you read and write at that time? A. No sir.
- Q. Can you read and write now? A. No sir.
- Q. You mean to say that at that time you knew all of those darkies, A. Yes sir.
- Q. You say you never heard of a slave belonging to Annie Johnson named Charlotte? A. Yes sir.
- Q. Who was this little girl named Charlotte Johnson? A. That was Anderson Johnson's slave.

- Q. In 1855 --- six years before the war broke out --- when you were three years old--- do you know whether or not Ben Johnson and Annie Johnson hired, to a man by the name of Vincent, a slave by the name of Charlotte? A. In 1855?
- Q. Yes, just 4 or 5 years before the war? A. He never hired nobody.
- Q. You are certain of that, are you? A. Yes sir.
- Q. You know that if he had hired one out at that time you would have known it? A. Yes sir.
- Q. Can you tell us of something that happened when you were 3 years old? A. I don't know just how old I was.
- Q. Tell us something that happened when you were three years old.
- A. I said I was somewhere about 53 years old, I don't know exactly how old I am. I am just about like I told you.
- Q. Then, at three years of age you are willing to testify that Ben and Annie Johnson did not hire a slave by the name of Charlotte to a man by the name of Vincent? A. I didn't say I was three years old.
- Q. You mean to say that if they had a slave by the name of Charlotte that they hired to a man by the name of Vincent, you do not know it---that it was before you could remember?
- A. I mean to say that Johnson didn't hire any slave by that name since I can remember.
- Q. About how old can you first remember to have known things?
- A. I can remember before the war.
- Q. You remember that you went south; that you got ready to go; and that you were delayed about a month before starting--- you remember that it was a week or ten days, or maybe a month before you got started? A. I couldn't remember just how long it was, but I remember fixing.
- Q. Don't you remember that they waited two or three months to hear from Alabama--- to get this Charlotte back? A. No sir, I don't remember anything like it.
- Q. You do remember, though, when you were three years old, that there was no slave by the name of Charlotte? A. I didn't say I was three years old. I don't know just how old I was. I was a pretty good size boy.
- Q. Are you an applicant for enrollment? A. I am enrolled.
- Q. You do not know the names of any of the slaves that belonged to your former master---You do not remember Charlotte Johnson?

(Mr. Hastings--- I am going to interfere with your asking a double cross question. Ask them one at a time and have them answered.) A. Mr. Neal---I am just giving you some of your own medicine)

- Q. You do not remember the names of any of the slaves that belonged to your former master? A. Yes sir.
- Q. Well name one or two of them? A. Mose Johnson, Aaron Johnson.
- Q. You mean to testify with reference to Charlotte that you do not remember a slave of that name that belonged to your master?
- A. Not since I can remember.
- Q. You do not remember what happened before you can remember? A. Not before I was born.
- Q. Could you remember a thing that happened when you were 3 or 4 or 5 years old? A. Yes sir, I can remember when I was 5 years old, I am satisfied.

COMMISSION:

- Q. Were you born the slave of Ben Johnson? A. Yes sir.
Q. Do you know whether they ever had a slave by the name of Charlotte? A. I do not know.
Q. As far as your recollection goes, did they have one of that name? A. No sir.
Q. You do not know just how old you are? A. Not exactly.
Q. You are somewhere between 50 and 60? A. Yes sir, somewhere along there.

MR. NEAL:

- Q. You say that this man White did not organize a church at Jacktown? A. I told you that he didn't as I know of.
Q. You do not mean to say that there was no church organized, but that you didn't know of it? A. Yes sir.

WITNESS EXCUSED.

Ben White recalled for cross examination by NEAL & LONDON.

- Q. Did you know Millie White's mother? A. Yes sir.
Q. What was her name? A. Charlotte Vincent.
Q. Did you know Millie and her mother before the war? A. I was small in the time of the war.
Q. You remember them directly after the surrender? A. Yes sir.
Q. How long after the surrender? A. Maybe a couple of years after the surrender I moved down into the valley and found them down there.
Q. You say there were about two years after the war that you do not know where they were-- whether they were there or not. That would be the latter part of '65 or '66? A. Yes sir, in '65 and '71 I went up on the Tennessee river.
Q. In '70 and '71 you were about how old? A. We had no learning, you know, but I think I was about 13 years old.
Q. You say about two years after the war you moved down into the Valley? A. Yes sir. In passing back and forwards, being sent by my owners, I would see them.
Q. When the war broke out you were about three years old, were you not-- you said awhile ago you was 4? A. Yes sir.
Q. When you moved down into the valley, and remember these darkies, you must have been about 7 or 8 years old? A. About 7 I think.
Q. You have known these darkies well since that time have you?
A. Yes sir.
Q. Yancy, and his mother and sister, Millie White? A. Yes sir.
Q. Do you remember this ---let me see if you remember anything about the real facts in the case. Do you remember a nigger named Gib White? A. Yes sir.
Q. Gib was Millie White's husband? A. Yes sir.
Q. Gib White, in about 1880 or '81--- sometime about then, don't you know that Gib White came to the Territory and married Millie and took her back to Alabama, and that is where you saw them, and then you came out here with them? A. They had great big children in 1881.

MR. HASTINGS:

- Q. Where did Charlotte Vincent die? A. She died down in Jefferson County, Arkansas, near Pine Bluff.
- Q. You have known her and Millie White ever since you have known anybody? A. Yes sir.
- Q. And you knew her up to the time of her death? A. Yes sir.
- Q. You say Gib and Millie White were married in Alabama? A. Yes sir.
- Q. And their children were born in Alabama? A. Excusing the one that was born in Arkansas. Jim, Harry, Ruthie, Annie Viola, and then there was another one, I didn't know her name.
- Q. Where was Yancy married? A. He first married in Alabama.
- Q. Where did his first wife die? A. In Jefferson County, Arkansas, near Wabeska.
- Q. Did he marry then the second time? A. Yes sir.
- Q. And you came here in '93? A. Yes sir.

WITNESS EXCUSED.

Frank W. Morgan, being duly sworn, testified as follows:

NEAL & LONDON:

- Q. What is your name? A. Frank W. Morgan?
- Q. What is your post office address? A. Fort Smith, Arkansas.
- Q. Do you know the applicants, Willie White and Yancy Vincent and their descendants? A. Yes sir, I know the most of them.
- Q. Did any of them at any time live upon your property? A. Yes sir.
- Q. In the Cherokee Nation? A. Yes sir.
- Q. When was that and who were they? A. Yancy Vincent rented a piece of land on my place in 1896, and old Gib White and Aunt Millie lived there in 1897 or '98---maybe it was '99.
- Q. Did you know any of them prior to that time? A. I knew Gib White when he come into the Nation. He stopped there on Dr. Bell's place, adjoining mine.
- Q. What year? A. In '94 or '95.
- Q. Did you ever know any of these applicants prior to 1890? A. No sir.
- Q. You are a Cherokee by blood? A. Yes sir.
- Q. You are on the final roll? A. Yes sir.
- Q. Do you live in the Cherokee Nation? A. I live in Fort Smith, and farm in the Cherokee Nation.

MR. HASTINGS:

- Q. How long have you lived in that vicinity? A. Since 1887.
- Q. You are well acquainted there? A. Yes sir.
- Q. Own a farm in Fort Smith bottom? A. Yes sir.
- Q. Never knew any of them prior to 1893? A. No sir.
- Q. Do you know where they came from there? A. They said they came from Arkansas. Vincent said he had been making shingles down in Arkansas.

- Q. They brought their families with them there? A. Yes sir.
Q. Never knew them before 1893? A. No sir.
Q. Did they claim to be citizens? A. They didn't claim it to me. I did not know it until a few years ago I heard they were trying to get on the Freedman roll.

MR. NEAL:

- Q. You did not know them until along about 1894 to 1896? A. No sir.
Q. Gib White is not an applicant for citizenship? A. No, but his wife is.
Q. What did you say about seeing them about 1894? A. They were on Dr. Bell's place then.
Q. You live in Fort Smith? A. Yes sir.

WITNESS EXCUSED.

CASE CLOSED.

10 days will be allowed the attorneys for filing briefs in this case.

Mula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 6th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Mula Jeanes Branson.

Subscribed and sworn to before me this the 11th. day of March, 1905.

(Signed) Myron White
Notary Public.

(SEAL.)

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of March 1905.

Myron White
Notary Public.

A. Y. No.
D. C. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Willie White, et al., as Cherokee Freedmen, consolidating the ap-
plications of:

Willie White, et al.,	Cherokee Freedmen R 317
Annie Thomas,	Cherokee Freedmen R 83
Jim H. White, et al.,	Cherokee Freedmen R 326
Harry White,	Cherokee Freedmen R 321
Yancy Vinson, et al.,	Cherokee Freedmen R 1000

-: D E C I S I O N :-

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Willie White for herself and minor child, Viola White, by Willie Thomas for his wife, Annie Thomas; by Jim H. White for himself and minor children, Samantha, Birdie, and Etta White, and for his wife, Sarah White, by intermarriage; by Harry White, for himself; and by Yancy Vinson for himself and minor children, Elijah, Filda, Orra, Colvest and Pink Vinson. Subsequent thereto an affidavit showing the birth, on January 17, 1902, of Essie Vinson, child of Yancy Vinson, was filed herewith and made a part of the record herein. Application was originally made for the enrollment of the said Annie Thomas as a citizen of the Cherokee Nation by intermarriage, but as any rights said applicant might possess by virtue of her marriage to a Cherokee freedman have been heretofore disposed of, only her rights as a Cherokee freedman will be considered in this decision.

The evidence in this case shows that one Charlotte Johnson, deceased, was the mother of the applicants, Willie White and Yancy Vinson; and that the said Willie White was born prior to the commencement of, and the said Yancy Vinson was born during, the rebellion, but after ample opportunity afforded, it is not

established by satisfactory evidence that either the said Charlotte Johnson, deceased, nor the applicant, Millie White, was the slave of a Cherokee citizen at the commencement of the rebellion.

The evidence in this case further shows that during said rebellion said applicants, Millie White and Yancy Vinson, together with their said mother, Charlotte Johnson, deceased, lived in the state of Alabama, and that, after the close of the rebellion, neither the said applicants nor their said mother removed to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the applicants, Viola White, Annie Thomas, Jim H. White and Harry White, are children of the applicant, Millie White, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Elijah, Tilda, Orra, Colvest, Pink and Essie Vinson, are children of the applicant, Yancy Vinson, were born since 1860, and it is not established that they possess any rights to enrollment other than as descendants of their said father; and that the applicants, Samantha, Birdie and Etta White, are children of the applicant, Jim H. White, were born since 1860, and possess no rights to enrollment other than as descendants of their said father. The applicant, Sarah White, neither possesses nor claims rights to enrollment as a Cherokee freedman other than such as she may obtain by virtue of her marriage to the applicant, Jim H. White. None of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Millie White, Viola White, Annie Thomas, Jim H. White, Samantha White, Birdie White, Etta White, Harry White, Yancy Vinson, Elijah Vinson, Tilda Vinson, Orra Vinson, Colvest Vinson, Pink Vinson and Essie Vinson, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5848-04), Sarah White is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and that her application for enrollment as such, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) _____
T. B. Pixby
Chairman.

(Signed) _____
T. B. Woodles
Commissioner.

(Signed) _____
C. H. Brockinridge
Commissioner.

Muskogee, Indian Territory,

APR 24 1905

INDEXED

6193

Vinson, Yancy,
Fort Smith, Ark.
April 14, 1902

CHEROKEE

Returns corrected birth
certificate of her child.
Given her full name

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 16 1902

ACTING CHAIRMAN

MAYER & Co.
GENERAL MERCHANDISE

501-503 GARRISON AVENUE

Cherokee - T. B. 1000.

FORT SMITH, ARK. April 14th 1902

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

I return to you birth
affidavit corrected as per your request.

I also wish to state that my name in
full is Yancy Vinson, and that same
should appear on the Roll just the way

Resp. yours.

Yancy Vinson.

D-1088

ADMISSION TO THE UNITED STATES
FILED
MAR 24 1902

[Signature]
RECEIVED MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

D. 1088

CHEROKEE FREEDMEN
COPY

20

IN RE

Application for Enrollment of
INFANT CHILD

Calwest Vincent
as a citizen of

Cherokee

Nation

Approved November 6th 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
CIVILIZED TRIBES.

F I L E D

NOV 6 1901

Tams Bixby
Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Calwest Vincent (Here insert name of child.) born on the day of 1
Name of Father: Yancy Vincent a citizen of the Cherokee Nation.
Name of Mother: Lizzie Vincent a citizen of the Cherokee Nation.
Postoffice Bengie, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Lizzie Vincent, on oath state that I am 28
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Yancy Vincent who is a citizen, by
adoption of the Cherokee Nation; that a male child was
(Male or Female.)
born to me on 18th day of April, 1895; that said child has been named
Calwest Vincent, and is now living.

WITNESSES TO MARK:

Lizzie Vinson

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of October, 1901
(SEAL)
My commission expires Jan 25, 1903.
Chas. Class
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Yancy Vincent husband of Lizzie Vincent, on oath state that I
Mrs. K. Commander
attended on Mrs. Lizzie Vincent, wife of Yancy Vincent
on the 18th day of April, 1901; that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named Calwest Vincent and Mrs. K.
Commander died in March 1900 and Yancy Vincent was present at the birth
of this child
WITNESSES TO MARK:
Yancy Vinson

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of October, 1901
(SEAL)
My commission expires Jan 25, 1903
Chas. Class
Notary Public.

P. D. 1088

COPY.

IN RE
Application for Enrollment of
INFANT CHILD

Essie Vinson

as a citizen of

Cherokee

Nation

Approved April 16 1902

G. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
CIVILIZED TRIBES.

FILED

Apr. 18 1902

Tams Bixby
Acting Chairman

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of **Essie Vinson** (Here insert name of child) born on the 17th day of January 1902
Name of Father: **Yancy Vinson** a citizen of the Cherokee Nation.
Name of Mother: **Lizzie Vinson** adopted a citizen of the Cherokee Nation.
Postoffice **Benge, I.T.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, **Lizzie Vinson**, on oath state that I am 29
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of **Yancy Vinson** who is a citizen, by
birth of the Cherokee Nation; that a female child was
born to me on 17th day of January, 1902; that said child has been named
Essie, and is now living.

WITNESSES TO MARK:

Lizzey Vinson(Must be Two
Witnesses.)**Morris Levy****Alec Meager
Henry White**

Subscribed and sworn to before me this 29th day of March, 1902
(SEAL)

My commission expires February 10th 1906 **Morris Levy** Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, **Mary Reynolds**, a midwife, on oath state that I
attended on Mrs. **Lizzie Vinson**, wife of **Yancy Vinson**
on the 17th day of January, 1902; that there was born to her on said date a female
child; that said child is now living and is said to have been named **Essie**
her
Mary X Reynolds
mark

WITNESSES TO MARK:

(Must be Two
Witnesses.)**Morris Levy****Alec Meager
Henry White**

Subscribed and sworn to before me this 29th day of March, 1902
(SEAL)

My commission expires February 10th, 1906 **Morris Levy** Notary Public.

CHEROKEE FREEDMEN

COPYD 1088

IN RE

Application for Enrollment of
INFANT CHILD

Pink Vincent
as a citizen of

Cherokee Nation

Approved November 6th 1901

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
CIVILIZED TRIBES

F I L E D

NOV 6 1901
Tams Bixby
Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Pink Vincent (Here insert name of child.) born on the day of 1
Name of Father: Yancy Vincent a citizen of the Cherokee Nation.
Name of Mother: Lizzie Vincent a citizen of the Cherokee Nation.
Postoffice Benge, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Lizzie Vincent, on oath state that I am 28
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Yancy Vincent who is a citizen, by
adoption of the Cherokee Nation; that a male child was
(Male or Female.)
born to me on 26th day of January, 1899; that said child has been named
Pink Vincent, and is now living.

WITNESSES TO MARK:

Lizzie Vinson

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of October, 1901
(S E A L)
My Commission expires Jan 25, 1903 Chas. Class
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Yancy Vincent husband of Lizzie Vincent, on oath state that
Mrs. K. Commander attended on Mrs. Lizzie Vincent, wife of Yancy Vincent
on the 26th day of January, 1899; that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named Pink Vincent and Mrs. K. Com-
mander died in March 1900 and Yancy Vincent was present at the birth of
this child.
Yancy Vinson

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of October, 1901
My commission expires Jan 25, 1903 Chas. Class
Notary Public.

D 1088

CHEROKEE ~~CONFIDENTIAL~~ EDMAN

D 1088

IN RE

Application for Enrollment of
INFANT CHILD

Orra Vincent

as a citizen of

Cherokee

Nation

Approved November 6th 1901

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
CIVILIZED TRIBES.

FILED
NOV 6 1901

Tams Bixby
Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Orra Vincent (Here insert name of child.) born on the day of 1
Name of Father: Yancy Vincent a citizen of the Cherokee Nation.
Name of Mother: Lizzie Vincent a citizen of the Cherokee Nation.
Postoffice Bengo, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Lizzie Vincent, on oath state that I am 28
years of age and a citizen by adoption of the Cherokee Nation;
that I am the lawful wife of Yancy Vincent, who is a citizen, by
adoption, of the Cherokee Nation; that a male child was
(Male or Female.)
born to me on 17th day of July, 1893; that said child has been named
Orra Vincent, and is now living.

WITNESSES TO MARK:

Lizzie Vinson

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29th day of October, 1901
(SEAL)

My commission expires
Jan 25, 1903

Chas. Glass
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Yancy Vincent husband of Lizzie Vincent, on oath state that
Mrs. K. Commander
attended on Mrs. Lizzie Vincent, wife of Yancy Vincent
on the 17th day of July, 1893; that there was born to her on said date a male
(Male or Female.)
child; that said child is now living and is said to have been named Orra Vincent
and Mrs. K. Commander died on March 1900, and Yancy Vincent was
present at the birth of this child. Yancy Vinson
WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29th day of October, 1901
(SEAL)

Chas. Glass
My Commission expires Jan 25, 1903
Notary Public.

D1088

Cherokee ^{COPY} *Chickasaw*

IN RE

Application for Enrollment of

INFANT CHILD

Willy Vincent

as a citizen of

Cherokee Nation

Approved

Wm. B. Riddle 1901

T. B. Riddle

Commissioner.

Department of the Interior
Commission to the Five
Civilized Tribes.

FILED
Nov. 6 1901

Tams Bixby
Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the *Cherokee* Nation,
of *Tiddy Vincent* (Here insert name of child.) born on the _____ day of _____, 1____
Name of Father: *Yancy Vincent* a citizen of the *Cherokee* Nation.
Name of Mother: *Celia Vincent* a citizen of the *Cherokee* Nation.
Postoffice *Benge Ind Ter.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I am
years of age and a citizen by _____ of the _____ Nation;
that I am the lawful wife of _____ who is a citizen, by
_____ of the _____ Nation; that a _____ child was
(Male or Female.)
born to me on _____ day of _____, 1____; that said child has been named
_____, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 190____.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, *Yancy Vincent* husband of *Celia Vincent* do hereby
Mrs. P. B. Davidson attended on Mrs. *Celia Vincent* during the birth of *Yancy Vincent*
on the *12th* day of *October*, 1897; that there was born to her on said date a *female*
child; that said child is now living and is said to have been named *Tiddy Vincent* and
Mrs. P. B. Davidson did solemnly swear on 1893, and
that *Yancy Vincent* was present at the birth of said child.
WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *29th* day of *October*, 1901

(Seal)

Chas. Olcott
Notary Public.

My commission expires January 1st 1902

D 1088

^{COPY}
CHEROKEE FREEDMAN

IN RE
Application for Enrollment of
INFANT CHILD

Haijah Vincent

as a citizen of

Cherokee Nation

Approved November 6, 1901

T.E. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE

CIVILIZED TRIBES

FILED

NOV 6 1901

Tams Bixby

Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Elijah Vincent (Here insert name of child.) born on the day of 1
Name of Father: Yancy Vincent a citizen of the Cherokee Nation.
Name of Mother: Celia Vincent a citizen of the Cherokee Nation.
Postoffice Bengie, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, , on oath state that I am
years of age and a citizen by , of the Nation;
that I am the lawful wife of , who is a citizen, by
of the Nation; that a (Male or Female) child was
born to me on day of , 1886; that said child has been named
, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this day of 1901

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Yancy Vincent husband of Celia Vincent deceased, on oath state that
Mrs. Belle Henderson
attended on Mrs. Celia Vincent deceased Yancy Vincent
on the 18th day of March, 1886: that there was born to her on said date male
child; that said child is now living and is said to have been named Elijah Vincent and Mrs Belle
Henderson died sometime in 1895 and that Yancy Vincent was present
at the birth of this child Yancy Vinson

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of October, 1901

My commission expires
Jan 25 1903

Chas. Class

(SRAL)
Notary Public.

701088

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 25 1901

[Signature]
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Jan. 25th 1901.

Post Office Bangor, N. J.

District Seelysah

1. Name Nancy Vincent

Age 38

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Charlotte Johnson, dead

Citizenship

2. Name of wife

George Vincent

Age 28

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

dead

Citizenship

Mother

dead

Citizenship

Names of Children:

2. Elijah Vincent

Year

Page

No.

Dist.

15

3. Lilly

Year

Page

No.

Dist.

13

4. Oral

Year

Page

No.

Dist.

8

5. Leahurst

Year

Page

No.

Dist.

6

6. Pink

Year

Page

No.

Dist.

3

8.

Year

Page

No.

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by W. I.

Stenographer

John W. Wain

Not on any roll.

Children - Birth certificates required.

Ft. Smith, Ark Indian Territory, Oct. 23, 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in the case of Nancy Vinson et

al. Applicants for enrollment as Cherokee Freedmen D-1008

Nat L. London
Attorney for Applicant.

Cherokee F-B-1088.

Waukegon, Indian Territory, April 17, 1908.

Mr. Yancey Vinson,

Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter bearing date of April 14, returning corrected birth affidavit in the matter of the application of your daughter Essie Vinson for enrollment as a Cherokee Freedman, and stating that your correct name is Yancey Vinson instead of Yancey Vincent as it appears on the records of the Commission, and that you desire to be listed for enrollment under the former name.

Your letter and the affidavit have been duly filed.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, March 7, 1904.

Yancy Vinson,
Benge, Indian Territory.

Dear Sir:

The Commission is in receipt of your petition, dated March 1, together with affidavits enclosed therewith, asking that the cases of Yancy Vinson and Millie White, applicants for enrollment as Cherokee freedmen, be reopened by the Commission in order that the applicants may introduce further testimony tending to prove conclusively their rights to enrollment as Cherokee freedmen.

In reply you are advised that the Commission is not now taking testimony in applications for enrollment as Cherokee freedmen, except in those cases wherein it is found that there is not sufficient testimony upon which to prepare a decision; in such applications the Commission, of its own motion, reopens the case for further testimony and advises the parties concerned as to the nature of the testimony required.

When decisions have been rendered in the cases above mentioned, copy will be furnished the parties concerned.

The affidavits enclosed with your communication are
herewith returned, as the Commission cannot file said papers with
applications for enrollment.

Respectfully,

Enc. D-8.

Commissioner in Charge.

Cherokee Freedmen
D-1088.

Muskogee, Indian Territory, April 13, 1904.

Yancy Vincent,

Garrison, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 1, giving certain information in regard to your application for enrollment as a Cherokee freedman, and asking that you be allowed to introduce further testimony to support your said application.

In accordance with your request you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 27, 1904, and introduce such testimony as you may be able to offer in support of your application for enrollment.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1088.

Muskogee, Indian Territory, April 13, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that, in accordance with the request of Yancy Vincent, Cherokee freedman D 1088, he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 27, 1904, and introduce such testimony as he may be able to offer in support of his application for enrollment as a Cherokee freedman.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-1008
3

Muskogee, Indian Territory, October 22, 1904.

Neal & London,

Attorneys for Yancy Vinson, et al.

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of October 18, stating that you have been retained as counsel for Yancy Vinson et al., applicants for enrollment as Cherokee freedmen, and asking to be furnished with a copy of the testimony in his case.

In reply there is herewith enclosed copy of the testimony referred to, together with a blank form of receipt, which you are requested to sign and return to the Commission.

Respectfully,

Tamm Dixby.
Chairman.

COPY.

Cherokee Freedmen

D-1088.

Muskogee, Indian Territory, December 19, 1904.

Neal & London,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of December 10, asking to be advised as to the exact status of the application for the enrollment of Yancy Vinson as a Cherokee Freedman.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for the enrollment of the said Yancy Vinson as a Cherokee freedman. When a decision has been prepared the parties concerned will be furnished with a copy.

Respectfully,

SIGNED. *Fame Dixby.*
Chairman.

COPY.

Cherokee Freedmen

R-317, et al.

Muskogee, Indian Territory, February 10, 1906.

Neal & London,

Attorneys for Millie White, et al.,

Fert Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of February 7, transmitting motion to introduce further testimony in the matter of the applications for the enrollment of Millie White, et al., Jim H. White, et al., Harry White and Yancy Vinson, et al., as Cherokee freedmen.

In reply you are advised that the applicants will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1906, and introduce further testimony in the matter of said applications. You are further advised that the representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the rights to enrollment of the said applicants.

Respectfully,

SIGNED,

Tame Dixby.
Chairman.

COPY.

Cherokee Freedmen

B-317, et al.

Muskogee, Indian Territory, February 10, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that upon motion of Neal & London, Fort Smith, Arkansas, the applications for the enrollment of Millie White, et al., Jim H. White, et al., Harry White and Yancy Vinson, et al., as Cherokee freedmen, will be taken up for further hearing by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1906.

On said date you may, if you desire, appear before the Commission when an opportunity will be given you to introduce any additional testimony affecting said applications which you may think proper or necessary.

Respectfully,

Tame Bixby.
Chairman.

COPY.

Cherokee Freedman

D-1088.

Muskogee, Indian Territory, April 6, 1906.

Yancy Vinson,

Roland, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 21, 1906, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) *I. B. Needles.*
Commissioner in Charge.

COPY.

Cherokee Freedmen

N-217, et al.

Mustagee, Indian Territory, April 24, 1905.

Neal & London,

Attorneys for Millie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-83
Register

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

N-217, et al.

Muskogee, Indian Territory, April 24, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-64

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-217, et al.

Washoe, Indian Territory, April 24, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Millie White, et al., including the Commission's decision dated April 24, 1908, rejecting the applications for the enrollment of Millie, Viola, Jim W., Samantha, Birdie, Etta and Harry White, Yancy, Elijah, Tilda, Orva, Gelvest, Pink and Essie Vinson and Annie Thomas as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

Respectfully,

(SIGNED) *Tame Bixby*
Chairman.

Incl. B-28

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen

D-1088.

Muskogee, Indian Territory, April 24, 1906.

Yancy Vinson,

Benge, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1906, rejecting, among others, the application for the enrollment of yourself and your minor children, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson, as Cherokee freedmen. There has heretofore been furnished your attorneys, Neal & London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-61
Register

(SIGNED). *Tams Bixby.*
Chairman.

COPY

Refer in reply to
the following:
Land-32738-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 24, 1905, transmitting the record in the application for enrollment as Cherokee Freedmen by Willie White for herself and her minor child, Viola White; by Willie Thomas for his wife, Annie Thomas; by Jim H. White for himself and his minor children, Samantha, Birdie and Etta White, and for his wife Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and his minor children, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson.

April 24, 1905, the Commission decided adversely to all the applicants.

The record shows that Charlotte Johnson, deceased, was the mother of the applicants, Willie White and Yancy Vinson; that Willie White was born prior to the beginning of, and Yancy Vinson was born during, the war of the rebellion, but after ample opportunity it has not been established that the said Charlotte Johnson, deceased, not the applicants, Willie White

and Yancy Vinson were slaves of a Cherokee citizen at the beginning or during the war but that they lived in the state of Alabama during that period and that they did not remove to the Cherokee Nation on or before February 11, 1867.

The record further shows that the applicants, Annie Thomas, Viola, Jim H., and Harry White are children of Millie White, born since the beginning of the war and possess no rights to enrollment other than as descendants of their mother; that the applicants, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson are children of Yancy Vinson born since 1880, and it is not established that they possess any rights to enrollment other than as descendants of their father; that the applicants Samantha, Birdie and Etta White are children of Jim H. White born since 1880, and possess no rights to enrollment other than as descendants of their father. Sarah White neither possesses nor claims rights to enrollment as a Cherokee Freeman other than by marriage to Jim H. White.

None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

C. F. Harrabee,

Acting Commissioner.

KCM

W

C O P Y .

Refer in reply to
the following:
Land 36941-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office letter of May 9, 1905 (Land 32738-1905), there is enclosed a communication from Messrs. Neal and London, attorneys at law, Fort Smith, Arkansas, transmitting a bill of exceptions with proof of service in the matter of the application for enrollment as Cherokee Freedmen by Millie White et als.

The record was forwarded to the Department May 9, 1905.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

MMX

W

Cherokee Freedmen

B-317, et al.

Muskogee, Indian Territory, October 6, 1905.

Neal & London,

Attorneys for Millie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Incl. S-65

Commissioner.

Cherokee Freedmen

R-317, et al.

Muskogee, Indian Territory, October 6, 1905.

Roll, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-66

Commissioner.

Cherokee Freedmen

D-1088.

Muskogee, Indian Territory, October 6, 1905.

Yancy Vinson,

Benge, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1905.

Respectfully,

LS

W. H. H. H.
Commissioner.

Cherokee Freedmen
R 804

Muskogee, Indian Territory, August 24, 1906

Yancy Vinson,

Roland, Indian Territory.

Dear sir:

In reply to your letter of August 20, you are advised the records of this office show that on April 24, 1905, the Commission to the Five Civilized Tribes rendered a decision rejecting your application for the enrollment of yourself and children as Cherokee freedmen, and a copy of said decision was forwarded to you and also to your attorneys, Neal & London, Fort Smith, Arkansas, on that date. The decision of the Commission was affirmed by the Secretary of the Interior on September 27, 1905, and on October 6, 1905, a letter was addressed to you at Benge, Indian Territory, and to Neal & London, Fort Smith, Arkansas, advising you of the action of the Department.

Your attorneys have heretofore been furnished a complete record of the proceedings had in your case.

Respectfully,

L M B

Acting Commissioner

Cherokee Freedmen
R 804

Muskogee, Indian Territory, September 20, 1906

Kancy Vinson,

Roland, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of August 27, in further reference to your Cherokee freedmen enrollment case.

In reply you are advised that the Act of Congress approved April 26, 1906 (Public no. 129) in part provides:

"...and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

This office is therefore without authority, under the provisions of the law above quoted, to entertain

Yamoy Vinson--2

a motion for a review or rehearing in your case, such motion not having been filed within sixty days after the approval of the above Act.

Your letter further states that no decision has been rendered against your wife.

You are advised that the records of this office fail to show that any application of any character was made to the Commission to the Five Civilized Tribes, or to the Commissioner, for the enrollment of your wife as a Cherokee Freedman. If, however, she still desires to appear before the Commissioner at his office in Muskogee, Indian Territory, she may do so at any time within the near future, when sufficient testimony will be taken to establish whether or not any application was made for her enrollment as a citizen of the Cherokee Nation, within the time provided by law.

Respectfully,

L M B

Commissioner

J. P.

PH

C O P Y

D. C. No. 48448-08.

I.T.B. 5382-1908

5848-

L.R.B.

DEPARTMENT OF THE INTERIOR.

Washington, September 27, 1908

Commissioner to the Five Civilized Tribes,

Sir:

April 24, 1908, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case involving the applications for the enrollment of Willie White, Viola White, Jim H. White, Samantha White, Birdie White, Etta and Harry White, Nancy Vinson, Elijah Vinson, Tilda Vinson, Orra Vinson, Colvest Vinson, Pink Vinson and Essie Vinson and Annie Thomas as Cherokee Freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, including the Commission's decision of the same date, which was adverse to all the applicants.

Reporting May 9, 1908, the Indian Office recommended that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

Cherokee R. 604

Muskogee, Indian Territory, October 29, 1906.

Yancy Vinson,

Roland, Indian Territory.

Dear Sir:

In reply to your recent letter without date addressed to the Secretary of the Interior, relative to your right for enrollment as a Cherokee freedman, you are advised that your application for the enrollment of yourself and children as Cherokee freedmen was denied by the Secretary of the Interior, September 27, 1905. The action of the Interior Department is final.

Respectfully,

H.J.C.

Commissioner.

Cherokee Freedmen
R 801

Muskogee, Indian Territory, December 3, 1906

Tilday Patterson,

Muldrow, Indian Territory.

Dear Madam:

In reply to your letter of November 25, 1906, asking to be advised the status of the citizenship in the Cherokee Nation of your father, Yancy Vinson, you are advised that the records of this office show that the application of Yancy Vinson for the enrollment of himself and children, Elijah, Tilday, Orra, Calwest, Pink and Essie Vinson, as Cherokee freedmen, was refused by the Secretary of the Interior on September 25, 1906.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, April 8, 1907

Arthur Patterson,
1211 South Maple Street,
Coffeyville, Kansas.

Dear Sir:

This office is in receipt of your letter of March 18, 1907, asking to be advised when you may select an allotment of land in the Cherokee Nation for your child, Clifton Patterson. You also ask to be advised the citizenship status of Metilda Vincent.

In reply you are advised the records of this office apparently fail to show that any application was ever made for the enrollment of Clifton Patterson as a citizen or freedman of the Cherokee Nation.

You are further advised the records of this office show that the application for the enrollment of one Tildy Vinson, daughter of Nancy and Celia Vinson, as a Cherokee Freedman, was, among others, refused by the Secretary of the Interior September 27, 1905.

Respectfully,

L M B

Acting Commissioner

Cher. Fr. R 805

Cher. Fr. R 805

Trans. from Cher F.D 628

CONFIDENTIAL - This will be copied to the Bureau.

0 - Mr. Harrington, I see that the Bureau
has not yet received the report of the
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 17 1901

File with Cherokee Freedmen. D-628. *Joseph Manley*

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as Cherokee Freedmen; said Webber being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

Appearances:

Messrs. Mellette & Smith for Applicants.

Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A About 55.
Q What is your postoffice? A Harden.
Q In what district do you live? A I live in Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My wife.
Q Is that all? A My children.
Q How many children? A Four.
Q You have got four children that are under 21? A No, they are all married.
Q Then it is just you and your wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
Q Were you out during the war? A Yes, sir.
Q What time did you come back? A I come back in '66.
Q Have you lived hereever since you got back in 1866? A Yes sir.
Q Were you the slave of a Cherokee citizen when the war broke out?
A Yes, sir, I was the slave of old Akey Webber.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes, sir, full blooded Indian.
Q What time did you come back in 1866? A Along in the summer.
Q To what point did you come? A I came on the Barren Fork in Tahlequah District.
Q You came right to Barren Fork? A Yes, sir.
Q Give me the name of your wife? A Margaret.
Q How old is your wife? A She is about 45.
Q When did you marry her? A In time of the war.
Q Was she a slave of a Cherokee citizen when the war broke out?
A Yes, sir.
Q Whom did she belong to? A John Gunter's mother.
Q What was her name? A Nancy Ward.
Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always drew money with them.
Q Did this woman, Margaret, go with you to Kansas? A No, sir, we was in Texas together.
Q You didn't go to Kansas? A No, sir.
Q She went with you? A That is where I found her when I got her.
Q You married her down there? A Yes, sir.
Q Was she there with a Cherokee by blood? A Yes, sir.
Q Did the Wards have her there? A Yes, sir.
Q Did she come back with you? A Yes, sir; I brought her back.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1885 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Keen-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 160, #4450, Robert Webber, Cooweescoowee District.
Page 178, #4488, Margaret Webber, Cooweescoowee District.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on there.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around? A Yes sir.

Q What did they say? A Didn't say anything, said they would put it down.

Q Did they tell you it was all right, or they didn't know?

A They didn't know; wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized? A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his court? A Yes, sir, he sent a summon for me.

Q Did you have proceedings there before his court? A Yes, sir.

Q And what was the result of the proceedings? A He put me off for two or three weeks.

Q And then what did they do? A When I went back they had done tried me and put me on the doubtful roll and I said it was a poor way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you come back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir; I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned inside of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down there.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

By Mr. Mellette:

Q Who did you come back with? A I come with a fellow by the name of Web Crittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first point I struck was on the Illinois River by Mr. Musgrave's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Calding Gunter's.

Q In what State? A That was in Arkansas he lives, I moved him there.

By Commissioner Bbeckinridge:

Q You moved him from where? A From Texas.

Q How long did you stay at Calding Gunter's? A I stayed there that winter, in '85, and in '86 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington County, Arkansas? A Benton County I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you leave? A I left in the Spring.

Q The following Spring? A Yes, sir, the following spring.

Q You come to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Q Was the war over? A Yes, sir, Peace was declared in '85, I drove teams for him.

Q Had Gunter been in the Confederate army? A No, sir, he hadn't been in any army at all; he stayed with his family.

Q There was no fighting when you came back? A No, sir, the war was ended but it was little kinds equally times yet.

Q Who came with you and the Gunters? A Fellow by the name of Crittendon.

Q How long had the war been over when you went to Gunters?

A Peace was declared in '65; I was with Gunter there in Texas when peace was declared, we started back home that same winter.

Q Have you lived in the Cherokee Nation ever since you came to it from Gunter's in Arkansas? A Yes, sir.

Q Was your wife with you at Gunter's? A Yes, sir.

Q Did she come with you from Gunter's to the Cherokee Nation?

A Yes, sir, I moved her down from Gunter's to the Cherokee Nation.

By Mr. Davenport:

Q Now, Robert, did you belong to Caldwine Gunter at the breaking out of the war? A Yes, sir.

Q You belonged to whom? A Old Akay Votter.

Q Where were you living with reference to Caldwine Gunter and family when the war broke out? A I was living down here by Tahlequah.

Q How far from Gunter's? A About 35 or 40 miles.

Q They were living at what is known as Siloam Springs? A Yes, sir.

Q You went south to Texas during the war? A Yes, sir.

Q And you came back to Arkansas with Caldwine Gunter and his family?

A Yes, sir.

Q Do you remember the names of Caldwine Gunter's children that were living then? A Yes, sir, I know part of them, John E. Gunter.

Q He lives here at Vinita? A Yes, sir.

Q Do you remember his oldest daughter's name? A Ann Eliza.

Q Mrs. Doctor Fortner at Vinita? A Yes, sir, and Eliza was out cow driver.

Q When you applied to the Chambers Court in 1871 to be admitted, you were decided against, of course, you had returned too late?

A That is what they said.

Q Now, when you came back to the Nation whose farm did you come to first? A I went to the old Roach farm on Barron Park, the George Roach's farm.

Q He was living there? A Yes, sir.

Q He is now living down in there? A Yes, sir.

Q He would know when you got back? A Yes, sir, he ought to know I made a crop there.

Q In giving your testimony before you didn't state that you returned to Caldwine Gunter's in 1866? A No, sir, I didn't.

Q How long did you live on the Roach place on Illinois river in that country there? A I lived down in that country four or five years.

Q Who else of the Cherokee families were living there when you returned to the Roach place? A Man Roach and John Roach and Sallie.

Q Were there any other Cherokee families there other than the Roach family? A Aaron Crittendon.

Q How far is this Roach place from Tahlequah? A Ten miles.

By Com'r Brockbridge:

Q Where was Caldwine Gunter living when the war broke out?

A He was living there where I left him I guess.

Q At Siloam Springs, Arkansas? A Yes, sir.

Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.

Q You met her in Texas? A Yes, sir.

Q Well, was she living with Caldwine Gunter in Texas? A Yes, sir.

Q And she belonged to Caldwine Gunter at the time she went back with Caldwine Gunter to his house? A Yes, sir, she was in the family.

Q Now, you and your wife have a lot of children? A Yes, sir.

Q They are of age? A Yes, sir.

Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.

Q How old is Frank? A About 37.

Q And then the next child? A Katie but then she went in with her husband.

Q She is with her husband? A Yes, sir.

Q What is her present name? A She is a Manley now.

Q Has she already applied? A Yes, sir.

Q Now the next child? A Josh.

Q How old is Josh?

Q How old is Josh? A 33.

Q Now the next child? A Sam.

Q How old is Sam?

Q Now, the next child? A Ella, you got her down with her old man, Ella Wright.

Q Has she applied yet? A Yes, sir, told me to speak to you about it; she was down with him, Walter Wright, I guess he put his name down.

Q What is the name of Katie's husband? A Joe Manley.

Q Which one comes next to Ella? A That is all.

LOUIS D. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Louis D. Daniels: age 56; postoffice, Claremont.

Q How long have you lived in the Cherokee Nation? A All my life, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q Do you know this applicant here? A Yes, sir.

Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.

Q Where did you first meet him after the surrender? A In Fort Gibson, sir.

Q When was that you met him in Fort Gibson? A That was in the summer of '66.

Q That was the first time you met him was it? A For me to know him.

Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beaves, we was allowed to kill beaves by going to see the Chief and getting a permit, and we come up to Grand river and got an order from Chief Downing to kill some beaves and Bob was in the crowd with me.

Q This man, Bob? A Yes, sir, there were several of us, there is six living now.

Q Did he go with you to kill the beaves? A Yes, sir.

Q And you remember of his being in that party? A Yes, sir, and every man remembers it that is living.

Q Were there any other times that you have met him? A Yes sir, I have met him since that; after he left Fort Gibson I don't know exactly what time I met him in '66 on Barren Fork; I was going by there to buy some hogs and I stayed all night with him in the Cherokee Nation, about 15 miles the other side of Tahlequah.

Q Where was he living when you met him in Fort Gibson? A He was staying with his brother, I guess, I didn't ask him.

Q Where was his brother living? A Right in Fort Gibson, Dade Webber.

By Mr. Davenport:

Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you went to get an order from Louis Downing to kill some beaves - ? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant, recalled; By Com'r Bredkinridge.
 Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.
 Q Were you ever married before you married Margaret? A Yes, sir.
 Q Back in old slavery times? A Yes, sir.
 Q Was your wife dead? A No, sir, but we are parted, she is right down here now.
 Q Y ur wife, Margaret, had she been married before? A Yes, sir.
 Q Had she been parted by the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Frank Ross.
 Q How old are you? A 53.
 Q What is your postoffice? A Hayden.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Are you on the roll of 1860? A Yes, sir.
 Q Were you a slave in the Cherokee Nation when the war came on? A Yes, sir.
 Q Did you know this applicant here, Robert Webber, before the war? A No, sir.
 Q Did you meet him after the war? A Yes, sir.
 Q Where and when did you first meet him after the war? A Met him down here on Pryors Creek.
 Q What was he doing down there? A Hunting beeves, cattle.
 Q When was that? A In '66, in August.
 Q Who were with you? A Louis Daniels and Ruse Rogers and Dude Webber and George Ross, that is all I saw; I didn't go down to the camp, I met them out on the prairie.
 Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.
 Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.
 Q Has he always continued to live in the Cherokee Nation? A Yes, sir.
 B Mr. Davenport:
 Q You didn't leave the Nation did you, Frank, during the war? A I was out about eight months altogether.
 Q When did you return? A '66.
 Q What time of the year? A In March.
 Q Where were you living at the time the treaty was made? A I lived down here on Pryors Creek.
 Q What place? A Down there, this side of where the railroad crosses.
 Q Was there anyone living there at that time? A My owns lived there, my father and mother.
 Q Wasn't any improvements there on the farm? A None except what we put there.
 Q When did you put them there? A We moved up there in the fall of '66, we moved from the Rider place to Pryors Creek.
 Q You moved up there in the fall of '66? A Yes, sir.
 Q There were not any improvements there when you moved there? A No, sir, I was hunting beeves.
 Q You had got an order from the Chief to hunt Beeves? A I lived right there by the chief.
 Q What Chief? A Downing.
 Q That was in August, 1866? A Yes, sir.
 Q What time in August, '66? A About the first of August.
 Q When did Louis Downing become Chief? A He was only acting Chief then, he run the next coming year, because I voted for him; didn't vote for him either, voted for Bill Ross.
 Q You remember distinctly it was in 1866? A Yes, sir.
 Q Where was Robert Webber living then? A I don't know, he come from down below there

Q You never asked him any questions about that? A No, sir, I knew Louis Daniels and all of them and I knew George Ross because we was raised together.

Q That is the George Ross that lives down here about Claremore?
A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 58.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '66 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?
A Yes, sir.

Q To whom did he belong? A Akey Webber, same woman I belonged to.

Q She was a recognized Cherokee citizen was she? A Yes, sir; talked all Cherokee, could not talk any English.

Q Did this man go out with you when the war came up?

A No, sir, I found him with the Pin Indians. When they pulled up and went north I found him with them when they went there.

Q Where was that? A That was somewhere near the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was ~~somewhere~~ along sometime near the war commenced.

Q He was with the Pine? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more; his wife come to Kansas and said they come and got him at their house one night and I never seen him any more.

Q His wife come to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Bushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there? A No sir.

Q When did you see him after the war? A I saw him here along after the war when I lived up here he come up to see me.

Q That was two or three years after you got back? A Yes, sir.

Q When did you get back? A '88.

Q And that was '69 or '69? A Yes, sir, somewhere along there.

By Mr. Davenport:

Q Sam, what became of Bob's wife after she came up to the soldiers' camp? A She stayed there and went to Bigson.

Q Where were you camped at that time? A Over here about, I can't think of the name of the place, over here in Arkansas.

Q Now, what year was that? A That was along, the war run a little while.

Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled; By Com'r Breckinridge:

Q What is this about your being with the Pin Indians? A I was a soldier.

Q Soldier in the army? A Yes, sir.

Q And you were captured were you? A Yes, sir.

Q And what did they do with you? A They took me to Texas.

Q You didn't go down to Texas with your Mistress, Akey Webber?

A No, sir, she was dead.

Q When did she die? A She died in '61.

Q Who did you belong to after your Mistress died? A I belonged to nobody, you see she died in '61 and I was still on the place.

- Q You don't know who claimed you at that time? A No, sir.
- Q Who had charge of the place? A Her son, Robin Webber.
- Q Well, did you recognize his authority? A Oh, yes.
- Q Well then when they took you down to Texas what did you do?
- A I drove teams.
- Q For whom? A The Southern Government.
- Q Did you find this woman down there? A Yes, sir.
- Q Did you find any of your people down there?
- A I found Charley Webber, son of Akey.
- Q Were you hired out to the Southern Government? A Yes, sir.
- Q Who did the hire? A Charley Webber I suppose.
- Q What did you have to do with Webber at that time?
- A They took me there and hauled and he was working for the Government.
- Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.
- Q Was he living in Gunter's neighborhood? A No, sir, he heard of me later and come over after me.
- Q Then you married this woman that belonged to Gunter? A Yes, sir.
- Q This woman Margaret? A Yes, sir.
- Q And went on up to Gunter in Benton County? A Yes, sir.
- Q Now, when you first came back from Texas you went to Benton County? A Yes, sir.
- Q And then from Benton County where did you go? A To the Cherokee Nation.
- Q Whereabouts? A On the Barren Fork.
- Q How far to the mouth of Barren Fork? A It must be about ten or 12 miles above.
- Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?
- A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.
- Q What neighbors did you have down there? A Duge Gunter and Wooten Looney.
- Q Is that the time you got with Louis Daniels? A Yes, sir.
- Q Did you go on that cattle hunt with them? A Yes, sir.
- Q After that where did you go? A I went back to Barren Fork.
- Q How long did you live there? A About four years.
- By Mr. Davenport:
- Q Now, in giving your testimony a while ago how did it happen that you didn't say anything about being taken by the soldiers south?
- A You asked me how I got down there as I know of.
- Q Didn't I ask you if you didn't go down there with Calidine Gunter and family? A Yes, sir.
- Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.
- Q And didn't you tell me that you lived; that Gunter lived about 35 or 40 miles from where Webbers lived and that Gunters lived in Arkansas and that you lived in Tahlequah? A Yes, sir.
- Q How many children has your wife got? A Yes, sir.
- Q How old is your eldest child? A 51.
- Q What time did you go to Texas when the soldiers took you there?
- A I don't know.
- Q When did you and your wife marry? A Shortly after we got there.
- Q How about the war, was it over? A No, sir, the war was going on.
- By Com'r Breckinridge:
- Q Who was Calidine Gunter's wife? A She was a Ward.
- Q Was she a Cherokee? A Yes, sir.
- Q Was Gunter himself a Cherokee? A No, sir.
- Q Where is Nancy Gunter living now? A She is living here.
- Q Where? A In Benton county.
- Q Has she lived there ever since the war? A I guess so.
- Q You never heard of her coming back?
- A No, sir, I never heard of her since

Om's Breckinridge: The applicant applied for the enrollment of himself and wife. The applicant is identified on the Kern-Clifton roll, but not upon the roll of 1866 or upon that of 1896. It appears that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the Civil War. He was taken to the State of Texas and it is quite satisfactorily established that he returned to the Cherokee Nation in the year 1866, and that he has lived in the Cherokee Nation ever since. He states that he applied to the ~~Cherokee~~ Cherokee Court and at one part of his testimony he said that they deferred his case and decided in his absence and in another part of his testimony he said that he was told by the court that he was rejected at that time because he had returned too late after the war. By this as it may the present testimony given by witnesses who are considered credible indicates that he did return within the time required by the treaty of 1866 and no real valid objection is seen at this time to his enrollment, but inasmuch as he was omitted from the roll of 1866, and for the further consideration by the full commission of the conditions stated, he will at present be listed for enrollment as a Cherokee Freedman on a Doubtful card and the final decision of the Commission will be made known to him at his postoffice address.

As for his wife; she is identified on the Kern-Clifton roll, and her Mistress, Nancy Ward, is appears was a Cherokee woman prior to the war she was married to one Calbine Guter who lived in Benton County, Arkansas, and she was there residing with her husband, and the applicant's wife was living with them in the State of Arkansas prior to the breaking out of the Civil War. She was taken to the State of Texas where she met the applicant and they were married and after the war she returned to Benton County, Arkansas, her husband going with her, and he alleges that prior to the time he has been shown to have been at Fort Gibson in the year 1866, he had brought his wife to the Barren Fork of the Illinois River in the Cherokee Nation and that they had there located.

Q Has your wife lived in the Cherokee Nation ever since you brought her after the war? A Yes, sir.

The weight of the testimony at present is that his wife by reason of the change of owner, up that she underwent prior to the war and that was maintained in her case during the war, was not in a position to avail herself of the rights of Freedmen arising under the treaty of 1866. It may be, but it is not established, that Guter and his wife were subsequently readmitted to Cherokee citizenship, but a decided weight of the testimony is that the wife of Calbine Guter never resumed citizenship in the Cherokee Nation after taking up her residence in the State of Arkansas prior to the Civil War. Therefore, under these conditions there appears at present really no valid reason to justify the enrollment of the applicant's wife, Margaret, but for the further consideration of her case, as stated, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; but the applicant has five children enumerated in the testimony all of whom have now reached their majority and whose rights perhaps depend primarily upon the status of the applicant and his wife. Now, it seems from the testimony that both the applicant and his wife were married previous to their marriage but that he was separated by the war and under the operation of the insti

Mr. Hastings, the Cherokee Nation.

- Q Give me your first name? A Robert Webber.
- Q How old are you? A 83.
- Q Are you the husband of Margaret Webber? A Yes sir.
- Q You applied here a few days ago? A Yes sir.
- By Mr. Hastings:
- Q Who did you give as your owner? A Old May Webber.
- Q Did you belong to Akos Webber at the time the war came up? A Yes sir.
- Q You know Jim Tittle at Vinita? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Did you know his father, Daniel Tittle before the war? A No sir.
- Q When did you become acquainted with Daniel Tittle? A After I was taken prisoner.
- Q Who brought you back to this country? A I came with Mr. Gunter, as far as this place.
- By Mr. Hastings:
- Q What Gunter was that? A Golden Gunter.
- By Mr. Hastings:
- Q Where did Golden Gunter live? A He lived up there at Siloam Springs, I guess that's the place.
- Q Arkansas? A Yes sir.
- Q You never belonged to Daniel Tittle before the war? A No sir.
- Q You never returned with him after the war? A No sir.
- Q Did you ever work for him? A I worked for him a little while.
- Q Before or after the war? A After the war.
- Q How long after the war? A In the spring of '66.
- Q Jim Tittle was at home at that time? A Yes sir.
- Q And he knows about it? A Yes sir.
- By Mr. Hastings:
- Q How close to the line did you come with old man Gunter? A It couldn't have been more than a mile, I guess from his house to the line.
- Q Siloam Springs is right on the Cherokee line? A Yes sir.
- Q Is Golden Gunter the father of John Gunter born at Vinita? A Yes sir.
- Q John Gunter is a recognized citizen of the Cherokee Nation? A Yes sir. They says they has recognized him: he told me he was admitted too, and one of his sisters.
- By Mr. Hastings:
- Q Was admitted? A Yes, sir, at this court.

Com'r Brookbridge: This will be added as additional testimony to Freedmen doubtful card 850.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this June 30, 1881.

Signed, T. J. Needles,

Commissioner.

Brace C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the foregoing, and that the same is a true and correct copy from the original.

Subscribed and sworn to before me this 30th day of August, 1881.

[Signature]

Commissioner.

tution of slavery from his wife, and she was similarly separated from her first husband and that under those conditions they contracted marriage in the State of Texas while the war was going on. It is not considered that the strict meaning of the laws of marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that these children should be considered the lawful children of the applicant and his wife and that they should enjoy, in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by Com'r Breckinridge: The APPLICANT recalled:

- Q Are these children all the children of your wife, Margaret?
A Yes, sir.
Q How many of them were born in Texas, any of them? A The oldest one was born in Texas before we left.
Q Frank? A Yes, sir.
Q And then Frank is older than you think he is? A That is what I call him, what I think he is.
Q But he was born in Texas? A Yes, sir.
Q Did Frank come with you and your wife? A Yes, sir.
Q Come with you over to Barren Fork? A Yes, sir.
Q Now, these other children were they all born in the Cherokee Nation? A Yes, sir.
Q Have they always lived in the Cherokee Nation? A Yes, sir.

Mr. Davenport: The representatives of the Cherokee Nation protest against the enrollment of his wife, Margaret, for the reason that Cherokee card #422 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out, which testimony shows the continued residence of Nancy Gunter in the State of Arkansas for years up to and including the date of the giving of the testimony which was on the 25th day of September, 1900.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson
Subscribed and sworn to before me this 21st day of June, 1901.
Signed, T. B. Needler,
Commissioner.

Supplemental: Cherokee Freedman doubtful 630.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 11, 1901.

In the matter of the application of Robert Webber for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Applicant:

Mr. Hallett, or Hallett & Smith, for applicant's;

June 30, 1901.

My

Commissioner of the
Department of the Interior

Washington, D.C.

Very
Respectfully,
Your
Obedient
Servant,

WILLIAM H. HARRIS.

Applicant received and examined by J. H. Harrington.

Q. Now you talk how this third party was in the Dick family? A. Yes, sir.
Q. Did you have a step brother? A. No sir, that was a boy that she was raising, a boy named Will Sullivan. That is the third party that is enrolled here.

When, J. H. Harrington, being sworn states that he stenographed to the Commission in the above case and that the foregoing is a full and correct transcript of his stenographic notes therein.

(Signed) J. H. Harrington.

Subscribed and sworn to before me this 30th day of June, 1901 at
Reno, N.T.

(Signed) T. H. Harrington,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 8th 1901.

Joe Sequichie agent for the applicant.

W. W. Hastings Cherokee Representative-

In the matter of the application of Joseph Manley for the enrollment of himself, wife and six children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

By the Commission:

- Q What is your name? A. Joseph Manley.
Q What is your age? A. 35.
Q What is your post office address? A. Hayden.
Q In what district do you live? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Is your name on the roll of 1880? A. I don't know.
Q Is it on any of the rolls? A. Yes sir the Kern Clifton and Wallace rolls, and I drew money on the '80 roll.
Q Who do you want to have enrolled? A. Myself, wife and six children.
Q What is the name of your wife? A. Kate.
Q How old is she? A. 35.
Q What is her father's name? A. Robert Webber?
Q What is her mother's name? A. Marguerite.
Q Are they living? A. Yes sir.
Q What are the names of your children? A. Ida.
Q How old? A. 15 years.
Q Next one? A. Frank.
Q How old? A. 13 years.
Q Next one? A. Sarah.
Q How old? A. 9 years.
Q Next one? A. Lela.
Q How old? A. 8 years.
Q Next one? A. Joseph Jr.
Q How old? A. 6 years.
Q Next? A. Willie.
Q How old? A. 4 years.

The applicant not found on the 1880 or 1896 rolls.

The Kern Clifton roll examined and the name of the applicant found thereon as follows:

Page 146 No. 3614, Joseph Manley, Cooweescoowee district,

- Q Is your wife on the 1880 roll? A. I don't know.

The applicant's wife not found on the 1880 roll.

The Kern Clifton roll examined and the applicant's wife found as follows: Page 180 No. 4425, Kate Manley, Cooweescoowee dist.

The Kern Clifton roll examined and the applicant's children identified thereon as follows:

Page 180 No. 4426, Ida Manley, Cooweescoowee district.
Page 180 No. 4427, Frank Manley,
Page 180 No. 4428, Jim Manley,
Page 180 No. 4429, Lelah Manley,

Joseph Manley 2.

The Wallace roll of the Cherokee Nation examined and the name of the applicant and his wife identified as follows:

Page 125, No. 2638 Joseph Manley, (District not given)

Page 177 No. 3303, Kate Manley,

Q What was your fathers name? A. Lonzo.
Q Is he living? A. No sir.
Q How long has he been dead? A. Two years?
Q What is your mothers name? A. Eliza.
Q Is she living? A. No sir.
Q How long has she been dead? A. I don't know, 24 or 3 years.
Q Were you a slave? A. My mother was.
Q Who did she belong to? A. George Whitmire.
Q Was your mother taken out of the Cherokee Nation during the war?
A. I dont know.
Q Where were you born? A. I dont know sir, in the Nation I guess.
Q The first you recollect was in the Nation was it? A. Yes sir.
Q Have you lived in the Cherokee Nation ever since? A. Yes sir,
first I recollect was at Tahlequah.

By Mr. Sequichie:

Q Who were you living with in 1880? A. With my step mother.
Q What was her name? A. She had two or three names, Poll Manley,
Poll Cox and Poll Dick.
Q What was her nationality? A. She was a Delaware.
Q Did she enroll you then? A. I am sure she did.
Q By what name? A. By her name then.
Q What was her name then? A. Dick.
Q Did she enroll anyone else at that time? A. Yes sir me and her
daughter.
Q What was the name of her daughter? A. Aurena Dick.
Q Where did you live at that time? A. Allowce, two and a half miles
north east of there on Lightning creek.
Q You say she was a Delaware? A. Yes sir.
Q You remember positively that she enrolled you and her family then?
A Yes sir.
Q And drew money for you? A. Yes sir.

By Hastings:

Q What was her husbands name then? A. Lonzo Manley.
Q And her name was Nick? A. What was her daughter's name; she was
a Nick before she was a Manley.
Q How old were you when you lived at Tahlequah? A. 8 or 9 years
of age.
Q You were that old when you came up here? A. Yes sir.
Q Where were you living down there? A. South of Tahlequah; near
the river?
Q Illinois river? A. Yes sir.
Q How far from Tahlequah? A. I cant say for sure and be positive;
2 or 3 miles.
Q Near where the old Jim King place was? That is the place.
Q Known as the Spear place? A. I dont know, I know that it is the
place where that was then the Jim King place that my mother was killed
Q And you have lived in the Cherokee Nation ever since you can re-
member? A. Yes sir.

By the Commission-

Q You say you recollect being enrolled in 1880? A. Yes sir.

Q How old were you then? A. 15 or 20.

Q What makes you recollect that you were enrolled in 1880? A. Because my father was not at home when the census takers came round to enroll my step mother, and she enrolled me and her daughter.

Q Your step mother was an Indian? A. Yes sir, she was a Delaware Indian.

By Hastings:

Q Did you have any brothers? A. Yes sir.

Q What was their names? A. I had some half brothers and sisters named Alle, Mandy and Florence.

Q Are you the oldest one? A. Yes sir, those are my half sisters by my father's Delaware wife.

By the Commission

Q What half sisters and brothers did you have? A. Alle and Mandy and Florence.

Q Older than you? A. No sir.

Q What was your brother next younger than you? A. I don't exactly understand you.

Q Did you have a brother or half brother or a step brother younger than you? A. No sir, not if I understand the question.

Q Did you have a half brother younger than you? A. Not of my mother I have half brothers, two or three of them.

Q What are their names? A. Willie Manley.

Q How old is he now? A. 17, 18 or 19 years old.

Q Is he the youngest half brother you have? A. Yes sir.

By Hastings:

Q Francis Ragsdale is a half brother on your father's side? A. Yes sir.

Q Did you have a half brother on your mother's side? A. Yes sir.

Q Did this Nick woman have any children of her own? A. Yes sir.

Q Who? A. Rene Nick was my step sister.

Q Did she have any boys? A. Not that I know of.

Q The only child that you know of her having before your father married her was Rene? A. Yes sir.

Q Your mother is dead? A. Yes sir.

Q She was killed near Tahlequah? A. Yes sir.

Q Who killed her? Bub Hayes.

Q He was a recognized Cherokee citizen? A. I don't know sir.

Q Did you know Bub's parents? A. No sir.

Q The United States court at Fort Smith tried him for the killing of your mother didn't it? A. From what I heard they didn't.

Q He was taken there? A. Yes sir, but I understand that he was released on citizenship.

Q You knew it of your own knowledge though? A. No sir.

By the Commission:

Q Is your step mother Polly Dick dead? A. Yes sir.

Q She was a Delaware? A. Yes sir.

Q How old were you when your mother was killed? A. 8 or 9 years old I suppose.

LOONEY WHITMIRE called and sworn as a witness testified as follows

Joe. Manley 4.

on the part of the applicant-

By the Commission-

- Q What is your name? A. Looney Whitmire.
Q How old are you? A. 44.
Q What is your post office address? A. Hayden.
Q Are you a recognized Cherokee Freedman? A. Yes sir.
Q On the 1880 roll? A. Yes sir.

By Joe Sequichie.

- Q Do you know Joe Manley? A. Yes sir.
Q Do you know his people? A. Yes sir.
Q How long? A. All my life.
Q When was the first time that you saw Joe Manley? A. In '66, he was born at Wahlequah on the Illinois river.
Q Do you remember having seen him or his family in 1880? A. Yes sir I deed him and his father.
Q Did he have a step mother? A. Yes sir.
Q What was her nationality? A. Polly Cox or Manley.
Q No other name that you knew? A. Nick.
Q What was she? A. A Delaware.
Q Where did they live? A. In Cooweescoowee now.
Q Do you know if she enrolled her children on the 1880 roll? A. I cant say.

By W. W. Hastings:

- Q How old are you? A. About 44 or '5 years old.
Q You were about 10 years old when the war closed? A. Yes sir I suppose so.
Q Where did you live when the war closed? A. In the Choctaw Nation
Q Who brought you back here? A. Whitmire.
Q What Whitmire? A. Our owners.
Q Come to Going Snake, that was where they lived wasn't it? A. I believe it was Canadian.
Q Was you present when this boy was born? A. Yes sir.
Q What house was he born at? A. Close to Joe Spears place.
Q On the Illinois river? A. Yes sir between there and Warren Fork.
Q Did his mother go south with you? A. No sir.
Q Had she been out of the country? A. They said they went north.
Q Did you see her up north? A. No sir.
Q Where did you see her? A. In the Nation here.
Q When? A. In '66 towards the last part of the summer.
Q After you come back? A. Yes sir.
Q What were you doing up there? A. My mother went up there to get her, she was her daughter.
Q Was this boy's mother your sister? A. Yes sir.
Q What kind of a conveyance did you have when you come here? A. Went by land, there was no trains running then.
Q Did his father come up there? A. Yes sir.
Q Come back with his mother? A. Yes sir.
Q And they lived on the Spear place? A. Yes sir.
Q South of Wahlequah? A. Yes sir, on the Uncle Daniel Sanders place.
Q This boy's mother was killed? A. Yes sir.
Q But have killed her? A. Yes sir.
Q But have was a recognized Cherokee citizen wasn't he? A. Yes sir.
Q Were you at Fort Smith during his trial? A. No sir.

Q You are an uncle of this fellow? A. Yes sir.

By the Commission.

Q What was this applicant's mother's name? A. Eliza.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. George Whitmire.
Q You know that she returned in '66? A. Yes sir.
Q She is not living now? A. No sir.
Q Did you know his father Alonse? A. Yes sir.
Q Was he a slave? A. I dont know anything about him.
Q How long has Eliza been dead? A. Died in '75 I think.

FRANK PACK called and sworn as a witness for the applicant testified as follows:

By the Commission.

Q What is your name? A. Frank Pack.
Q How old are you? A. 40.
Q What is your post office address? A. Tahlequah.
Q Are you a recognized Cherokee Freedman? A. Yes sir.

By Joe Sequichie:

Q When did you first know Joe Manley? A. Ever since he was a small boy, he lived two and a half miles from us on the Illinois river.
Q Where? A. Near Tahlequah.
Q Did you know his mother? A. Yes sir.
Q What was her name? A. Eliza.
Q How long did Joe Manley and his family stay there in that country?
A They was there in 67 or 68 and staid there until '75 and moved from there; she got killed I think in '75.
Q Who killed her? A. Bub Nave.
Q What disposition was made of his case? I dont know.

By the Commission:

Q You say you knew this boys mother? A. Yes sir.
Q Was she a slave? A. I guess so.
Q When was the first time you ever saw her? A. '67 or '8.
Q Not as early as '66? A. No sir.
Q How far did you live from her? A. Two and a half miles, they lived on the other side of the river, we lived between there and warren work.
Q Did they live between you and town? A. Yes sir, we had to come by there to go to town.
Q You never saw her till '67? A. Yes sir that was the first time.

ROBERT WEBBER, called and sworn as a witness for the applicant, testified as follows:

By the Commissioner-

Q What is your name? A. Robert Webber.

Joe Manley 6.

- Q What is your post office address? A. Hayden.
Q Are you a recognized Cherokee freedman? A. I ought to be if I am not.
Q Is your name on the roll of 1880? A. I dont guess it is.
Q What is your age? A. 35.

By Joe Sequichie,

- Q Do you know Joe Manley? A. Yes sir.
Q His wife? A. Yes sir.
Q What relation is she to you? A. My daughter.
Q How old is she? A. 34.
Q Where was she born? A. On Barren Fork.
Q What district? A. Tahlequah.
Q Has she lived with you all the time she has been in the Cherokee Nation? A. Yes sir.

By the Commission:

- Q Did you get out of the Cherokee Nation during the war? A. Yes sir.
Q Where did you go? A. To Texas.
Q When did you return to the Cherokee Nation? A. In '66.
Q When was this Kate Manley born? A. I returned to the Nation in '66 and she was born the next fall.
Q In the Cherokee Nation? A. Yes sir, on Barren Fork 10 miles east of Tahlequah.
Q Do you know if this applicant and your daughter Kate are married? A. Yes sir.
Q How did you know it? A. Joe come and asked me for her and I gave her to him and he went off with her.
Q How long have they been living together was man and wife? A. I dont exactly remember.
Q Was she ever married before? A. No sir.
Q Was Joe ever married before? A. No sir.
Q How many children have they? A. Seven.
Q What is the oldest one named? A. Ida.
Q Kate never had any children before she married Joe? A. No sir.

By Hastings:

- Q Who did you go to Texas with? A. With part of waitie's men.
Q Staid there during the war? A. Yes sir.
Q Who did you come back with? A. Caldene Gunter.
Q He lives in Arkansas? A. Yes sir.
Q When did you come here? A. In '66.
Q Where did you come to? A. On Reaches' place on Barren Fork.
Q On George Roach? A. Yes sir.
Q Who else was living there? A. His sisters, Mary and Sallie.
Q Any of them living? A. Yes sir.

Applicant's agent asks that the enrollment which he claims is intended for that of the applicant in 1880 be put in the record

The 1880 roll examined and on page 96, No. 959 thereof is found the name of Joseph Dick in Coowaseeowee district, as an adopted Delaware.

By Hastings of the applicant-

Joe Manley

7.

Q You didn't make any claim or make any reference to your name being on the 1880 roll five years ago before the Kern Clifton court did you? A. Not as I knew of, but I knowed just as well then as I do to-day.

By the Commission

Q Do you know how old you are? A. No sir, but I was told that I was 35 years old.

By Com'r Needles,-

Joseph Manley applies for himself, his wife Kate, and six children, to-wit: Ida, Frank, Sarah, Lela, Joseph Jr. and Willie Manley: he is not identified on the 1880 freedman roll or the Census freedman roll of 1896; he is identified on the Kern Clifton and Wallace rolls as Joseph Manley; he avers by his agent that one Joseph Dick is enrolled on the authenticated roll of 1880 as a Delaware Indian, and the page and number of said roll giving said enrollment is set forth in the testimony and it is claimed that that enrollment is intended for the applicant; he claims that his step mother was one Polly Manley or Dick, and the name of Polly Dick is found on the 1880 roll, and he claims that she enrolled him with her other children as Joseph Dick. He applies for the enrollment of his wife Kate: she is identified on the Kern Clifton roll and on the Wallace roll but not on the authenticated roll of 1880 or the census roll of 1896. He avers that she is the child of Robert and Marguerite Webber and the names of her father and mother are not found on the authenticated roll of 1880; they are known as disputed citizens and reference will be made to the testimony that will be taken in the said Robert Webber's application when same shall have been made, he not having as yet applied for enrollment. A copy of the testimony taken in said case will then be filed with this application and made a part of the application as for the with the names of his four oldest children are identified on the Kern Clifton roll, but the names of his two youngest children are not on said roll and it will be necessary for him to file with this Commission satisfactory proof as to their birth. By reason of the fact that the name of Joseph Manley is not found on the authenticated roll of 1880, and for the further fact of the indefiniteness of the testimony as to the identification of the applicant with the Joseph Dick whose name is found on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony, and for the further fact that no proof is adduced as to the citizenship of the applicant's wife Kate, the said Joseph Manley and his said wife Kate Manley and their six children as enumerated herein will be listed for enrollment as Cherokee freedmen on a doubtful card for the further consideration of the Commission, and when the final decision therein is made he will be notified of the same by mail.

By W. W. Hastings:

"comes now the representative of the Cherokee Nation and call attention to the fact that the roll of 1880 as presented before the Commission, shows the names of Richard, Joseph and Emily Dick together as all one family, and neither the names of Richard and Emily have been mentioned by the applicant in his testimony as being among the members of his family."

Admission of evidence
to be made by the
court

June 20, 1961

SUPPLEMENTAL EXHIBIT.

Applicant received and examined by the committee.

Q Can you tell how this third party was in the Disk family? A Yes sir.

Q Did you have a step brother? A No sir, that was a boy that she was raising, a boy named Will Collins, that is the third party that is enrolled here.

Chas. Van Vleet, being sworn states that as stenographer to the commission to the five civilized tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes thereon.

(signed) Chas. Van Vleet.

Subscribed and sworn to before me this 20th of June, 1961 at Newnan, I.T.

(signed) T. E. Needles,
Commissioner.

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... sworn, stated ...
... five civil ...
... proceedings in ...
... transcript of ...

Subscribed and sworn to before me this October 10th 1901

[Signature]

File with case of Joseph Manley, et al., C.F.-D.#628.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation:

APPEARANCES:

Mr. Smith of Counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Eliza Chandler.

Q Where do you live, Mrs. Chadler? A In Vinita.

Q How old are you? A 54.

Q Where were you living at the breaking out of the war?

A Arkansas.

Q Did you leave the State of Arkansas during the war and your
family? A Yes, sir.

Q Your father, what was his first name? A Caldine Gunter.

Q Did your father own any slaves at the breaking out of the war?

A Yes, sir.

Q Do you know whether or not he owned a woman by the name of Mar-
garet? A Yes, sir.

Q Do you know who she afterwards married and lived with as his
wife? A Yes, sir.

Q Whom did she live with Mrs. Chandler? A Bob Webber, he goes
by that name.

Q Do you know what became of Margaret during the war? A Yes, sir.

Q Where did she go? A We carried her to Texas with us.

Q Well, after the close of the war what became of her? A We
brought her back to Arkansas.

Q You got back to Arkansas in what year? A In '65.

Q How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A She only stayed a little
while; they moved up on Butler's creek.

Q Butler's creek, Territory or Arkansas? A Arkansas, at Mr.
Tittles.

Q Do you know what Mr. Tittles first name was? A Dan.

Q Did you know Bob Webber before the war? A No, sir, I first
seen him in Texas.

Q And he came down there while you were in Texas? A Yes, sir.

Q Did he come back with you and your family? A Yes, sir.

Q Was he with Margaret when they moved up on Butler's creek in
Arkansas? A Yes, sir.

Q About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A It was in the winter of '65.

Q Now, Margaret as I understand was owned by your father at the
breaking out of the war? A Yes, sir.

Q You don't know of your own knowledge who owned Bob? A No, sir.

Q Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A No, sir.

Q They weren't citizens when they returned from the south, were
they? A No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A Yes, sir.

Q She was readmitted to citizenship here I understood you to say
here in another case? A Yes, sir.

- Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.
- Q Not sure? A No, sir.
- Q Well, none of your family owned Robert Webber? A No, sir.
- Q Did you know anything about him before the war? A No, sir, did not.
- Q You say after the war he was married to a woman named Margaret? A It was in time of the war that they came to our house in Texas.
- Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we come back.
- Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.
- Q You mean the winter in the year you returned? A Yes, sir.
- Q That was in '65? A Yes.
- Q How far from that place where they went to from where you lived? A About 25 miles.
- Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
- Q Lived right on the line? A Yes, sir.
- Q You don't know of your own knowledge where Robert Webber was during the year 1865? A Well, he made a crop up there on Butler's creek and then he moved back that summer down in Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.
- Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.
- Q They were free then? A Yes, sir.
- Q They could go wherever they wanted to? A Yes, sir.
- Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
- Q Now, you can't state of your own knowledge either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A John T. Gunter.
- Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
- Q How old are you? A 46.
- Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.
- Q Your father's name was Caldine Gunter? A Yes, sir.
- Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.
- Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.
- Q What became of Margaret during the war, if you know, Mr. Gunter? A My father took her to Texas.
- Q How long did she stay there? A Until 1865 when we returned to Arkansas.
- Q Did you have her and the fellow by the name of Bob Webber? A Yes, sir.
- Q Did he and Margaret live together as man and wife? A Yes, sir.
- Q Where did you first see Webber? A Hopkins County, Texas.
- Q How long did he stay there? A He stayed there until '65, drove a team back for my father.
- Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation at that time?

A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulphur Springs.

Q What place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the Fall of '66, made a

crop at Dan Tittler's; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the Fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while, I don't know where he was, here in the Territory somewhere he said he was going.

Q That was the winter of '66? A Yes, sir.

Q What took place after that? A In the spring of '67, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged?

A Only what he told me; he said he belonged to the Webbers.

Margaret belonged to your father? A Yes, sir.

MR. SMITH: What Webber did he say he belonged to? A I

don't know.

Q Was there an Akey Webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now, you say, Mr. Gunter, Bob Webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and got her off of the grass; it was a young calf, he took them with him.

Q Robert Webber had made preparations to made to the Cherokee Nation before that? A I think he went to George Retch's on Barron Farm before that.

Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1860.

Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.

Q This man you speak of her having been with that was in Slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q Who did Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we

refugeed.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

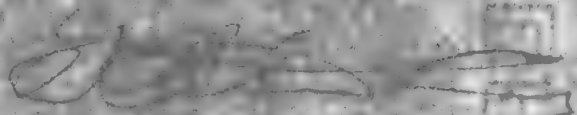
- Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?
A Yes, sir.
- Q No marriage about it? A No, sir.
- Q They were separated from each other by the exigencies of war?
A Yes, sir.
- Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.
- Q You never seen him? A No, sir.
- Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he come with Dan Tittles and Jim.
- Q Do you know whether the Pin Indians ever got him or not? A No, sir.
- Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.
- Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.
- Q All you know about Robert whether is that he came to Texas?
A No, sir.
- Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.
- Q And you say she was brought up in the Cherokee Nation?
A Yes, sir, she was born and raised in the Cherokee Nation.
- Q Was she in the Cherokee Nation when she married? A Married just across the line.
- Q Living in the Cherokee Nation when she married? A Yes, sir.
- Q And when she married your father went across the line of Arkansas to live? A Yes, sir.
- Q During the time of the war did she claim to be a Cherokee Indian?
A Yes, sir.
- Q Draw money? A Drew money in '53 I believe it was.
- Q What money was that? A Old settler money.
- Q Did she exercise any other rights of did any of your family before the war? A No, sir.
- Q You didn't live in the Cherokee Nation? A No, sir; never except her mother and brothers and sisters, none of our immediate family.
- Q Put in the year 1880 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.
- Q Mr. Gunter, can you state whether there were many or few of these Acts of Admission? A Admitting people to citizenship?
- Q Yes? A Yes, sir, there were a great many.
- Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.
- Q That is she stated she had forfeited it, you don't know whether she forfeited or not? A That is her understanding.
- MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.
- Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.
- Q Your father was not a citizen of the Cherokee Nation?
A No, sir.
- MR. NEEDLES: What was your father's property was your mother's
A I don't know.

Com'r Needles: This testimony will be made part of the case at bar and made part of the record in D.#663, D.#628, D.#691, and D.#680.

---oooOooOoo---

I, J. O. [illegible], do hereby certify that [illegible]
[illegible] to the [illegible] [illegible] [illegible]
received the [illegible] [illegible] [illegible]
for [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 19[illegible].



Commissioner

CO. HDTXOIE NYCO

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PARIS

NOV 12 1901

Commissioner

Exempted and sworn to before me this November 12th, 1901.

Under oath of
I declare that the foregoing is a true and correct copy of the original
submitted to the Commission for the purpose of the above described
I. O. Bureau, being and sworn to before me and attested.

File with case of Joseph Manley, et al., C.F.-D.#628.
Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER as a Cherokee Freedman: Introduced on part of the
Cherokee Nation.

APPEARANCES:

Hallett & Smith, Attorneys for applicant;
Mr. Sawyers, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. M. Tittle.

Q What is your post office? A Vinita.

Q How old are you? A 55

Q Do you know Robert webber, the applicant in this case?

A Yes, sir.

Q How long have you known him? A Ever since about '68, '68 or '8

Q Did he ever be long to any of your family? A He belonged to
my father.

Q Where did your father live? A He lived in Benton County, Ark-
ansas.

Q Did your father move away from Benton County, Arkansas?

A No, sir.

Q Did they go south during the war any of your family, or do you
know? A My family stayed there, but we went south.

Q Well, what became of Bob during the war, if you know?

A We taken him south.

Q Well, did he come back? A Yes, sir.

Q Where did he go to? A Came up to our place.

Q Where was that? A In Benton County, Arkansas.

Q How long did he stay there with you? A He come there in the
fall of '68 and stayed until the fall of '69.

Q At that time where was your family residing? A In Benton
County, Arkansas.

Q How long had they been residing in Arkansas? A About 15 years.

Q Were they or were they not recognized citizens of the Cherokee
Nation? A Not then, we was outside of the Cherokee Nation then.

Q Well, after the close of the war you say you returned back to
your old home place, in Benton County, Arkansas? A Yes, sir.

Q Did you ever move back to the Cherokee Nation? A Yes, sir.

Q What year did you move back? A We come back in '84.

Q Were they recognized citizens of the Cherokee Nation or was there
some action taken to the establishing of right? A We had to es-
tablish a right; my father was admitted and remarried after he come
back to the Cherokee Nation.

Q Was it your father had the Cherokee blood or mother? A Mother.

COMR NEEDLES: She was readmitted in 1867? A Yes, sir.

MR. DAVENPORT: Did your father marry again? A Yes, sir;
he married and went out and come back and married again.

Q Do you mean he was married twice according to the laws of the
Cherokee Nation? A He married and went off and come back and mar-
ried again.

MR. SMITH: Where did your father marry first? A In the
Cherokee Nation.

Q Married according to the Cherokee laws then? A Yes, sir.

Q Now, what year was that? A That was, that would be in '68 I
guess it would be.

Q About what year? A About 54 years ago, I would have to count it

up; it was in '46.
Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.
Q Now, then, when he married he was a citizen? A Yes, sir.
Q How long did he continue to live in the Cherokee Nation?
A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.
Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.
Q Your family all drew money in the old Settler's payment?
A Yes, sir.
Q In what year was that? A I think that was in '52; '1 or '2.
Q How long after that was it before you went into Arkansas?
A Right away after that.
Q How many years? A Oh, I guess probably inside of a year or such matter.
Q Where did you live in Arkansas? A Benton County.
Q How far from the line? A What line, Arkansas line or Missouri line.
Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.
Q What was your father's name? A Dan Tittle.
Q Was did your father get this man from? A Fellow by the name of John Grimmett.
Q When did he get him? A About '62.
Q Where did he get him from? A Down here about Mayesville.
Q Who is Grimmett? A He is said to be the owner of Rob, who he bought him from.
Q Where did Grimmett live? A He lived down there in the Nation somewhere.
Q He was a Cherokee, Grimmett was? A I don't know whether he was or not.
Q Did you ever know Grimmett? A No, sir.
Q Well, do you know what date it was that he bought this man?
A I think it was in '62 I think.
Q It was after the war had commenced? A Yes, sir.
Q It might have been in '62? A It was in '62, somewhere along there as well as I remember about it.
Q You think it would not have been as late as 1854? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas River and come back there and found Grimmett and bought him.
Q It was either in '62 or '3 your father bought him? A Yes, sir.
Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.
Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs. Webber. And Mrs. Grimmett was youngest daughter of Mrs. Webber.
Q What was Webber's name? A I don't know.
Q Did you ever know an Alvey Webber? A No, sir.
Q Alvey Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.
Q Now, you claim that your father owned this man in '62 or '7?
A Yes, sir.
Q Where did he own him? A Benton County, Arkansas.
Q Who lived near him when he owned him? A In the settlement there?
Q Yes, A The nearest fellow in the neighborhood was a man by the name of Wells, and Thomas.
Q Are they living there now? A I guess they are all dead now.
Q Does anybody but you know that your father owned this man?
A Yes, sir.
Q Who? A Will Thompson, living at Bentonville, Arkansas, and

Rph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '66.

Q Well, it was a man named Grinnett that your father undertook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grinnett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation?

A He come back in '67.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Little, you lived in Arkansas after you went out after the old settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they jept hunting him.

COM'R NEEDLES: He refused over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Cose at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the regular Circuit Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that, that was where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time was tried because he was living in the state of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVENPORT: This was a trial before a Justice of the Peace? A I don't know, they had a trial and he come clear I was a small boy, about five years old; there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

Com'r Needles: This will be made part of the record in the case at bar, and also D-628, D-663, D-691, D-680.

J. O. Rosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosen

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

FD 628

Subscribed and sworn to before me this _____ day of _____, 1902.

notes thereof.

The above and foregoing is an accurate transcript of his personal testimony and recollections as to the above entitled matter, and the Commission to the Five Civilized Tribes, he corrected and approved the same. W. C. Brewster, on oath stated that, as aforementioned to the

subscribed and sworn to before me.

The census roll of 1880, 1890, 1900, examined, and the names of

the unphenicized roll of 1880 examined, and the names of

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 12 1902

NOTARY PUBLIC

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Maude Manley, et al, for enrollment as Cherokee Freedmen:

Appearances:

Mellette & Smith, Vinita, I. T., for applicants;
James S. Davenport, for the Cherokee Nation:

TESTIMONY IN BEHALF OF THE CHEROKEE NATION.

ELIZABETH DAVIS, being sworn and examined, testified as follows:

Examined by James S. Davenport:

- Q What is your name ? A Elizabeth Davis.
Q Where do you live ? A Fort Scott, Kansas.
Q How long have you lived there ? A I went there in the fall of '63, and have lived there continually ever since.
Q Where had you been living before you went there in '63 ? A In the Territory here.
Q Near what place ? A Between here and the falls on the Arkansas river.
Q Do you mean Webbers Falls ? A Yes sir.
Q You went to Fort Scott, Kansas, in the fall of '63, during the war ? A Yes sir.
Q And have lived there continuously since that time ? A Yes sir.
Q Do you know of a man by the name of Alonzo Cullen or Manley, a colored man ? A Yes sir. I knew his step-mother before I went there.
Q After you went there did you get acquainted with him ? A Yes sir. His name was Cullen Manley, and he went by the name of Cullen, and the children went by the name of Cullen.
Q Do you know if he had any children ? A Yes he had two, one named Alonzo, and one I can't remember the name.
Q Do you know whether or not Alonzo ever married ? A Yes sir he was married there in Fort Scott.
Q Do you know whether or not he had any children ? A He had one boy child they called Joe.
Q When did you first get acquainted with Cullen Manley ? A When I went to Fort Scott in '63. By knowing his wife I got acquainted with him. I had known her before going there.
Q You say you had known his wife before going there ? A Yes sir. She belonged to Peter Hilderbrand.
Q Do you know whether or not that wife is living ? The wife of Cullen.
A No, she died there in Fort Scott.
Q Was she the mother of Alonzo ? A No, she was his step-mother. She was the mother of Fred.
Q What was Cullen doing, if you remember ? A He was trading horses for a man by the name of Kirkendal, who kept race horses.
Q That was in '63 or '64 ? A Yes sir, in '64.
Q How long did he live there when you were living in Fort Scott who you learned to know him ? A From that time up until 1870. He didn't leave there earlier than that, and maybe later.
Q Did his family live there with him ? A Yes sir.
Q After his wife that you knew died, did he re-marry ? A No sir, he broke up there pretty soon after she died.
Q Alonzo was his son by a former wife ? A Yes sir.
Q Who had belonged to the Hilderbrand's ? A Yes sir.

- Q This boy Fred was the son of this woman ?
 A Fred was the son of Harriett.
 Q She died in Fort Scott ? A Yes sir.
 Q Then he continued to live there from the time you got acquainted with him until after the death of his wife ?
 A Until after the death of his wife.
 Q Till about what time ? A I think Cullen himself left there in 1870, but Alonso, I don't think he left there earlier than 1872 or '3.
 Q Did they have a house there ? A Yes sir.
 Q Did they own any property there ? A Yes sir they owned property. In 1872 their property was sold for taxes and a lawyer there named Hewitt bought it in.
 Q How far did they live from where you lived ?
 A Just a block east of where I lived.
 Q You had an opportunity then to see them quite often ?
 A Every day.
 Q And you had known Fred Manley's mother before she went there ?
 A Yes sir.
 Q You had lived here in this country quite a while ?
 A Yes sir, and I knew nearly all the colored people that went from here up there.
 Q You know a great many of the people that still live here ?
 A Yes sir.

Examined by Mr. Smith:

- Q Where did you go from to Fort Scott ? A From the Cherokee Nation.
 Q How long had you lived in the Cherokee Nation before you went to Fort Scott ? A I don't know just how long; I had been here 15 years probably.
 Q When did you go to Fort Scott ? A In '63, in the fall of '63.
 Q When did you first know Alonso Manley ?
 A I knew him in '64.
 Q How old was he at that time ?
 A He was about--he must have been about 18 years old I guess; he was a short chunky boy. He was a boy who was beginning to think himself a young man.
 Q What was his father's name ? A Cullen Manley.
 Q When did you first know Cullen ?
 A About the same time I knew Alonso.
 Q Didn't know either of them in the Nation ? A No sir. I knew his wife though.
 Q Cullen's wife ? A It was Alonso's mother, but Cullen's second wife.
 Q What was Alonso's mother's name ? A I don't know; never knew her.
 Q What was his step-mother's name ? A Harriett.
 Q Now you say that you knew one son of Ex Alonso Manley. What was his name ? A They called him Joe. He was a little fellow when I seen him.
 Q Where ? A At his house. I went to see him purposely.
 Q Where ? A At Fort Scott.
 Q What was his mother's name ? A Eliza.
 Q What was her name before she married ? A Whitmire.
 Q Where did he marry her ? A There in Fort Scott.
 Q Was she a colored woman ? A She was a colored woman. A yellow woman; a very pretty woman.
 Q When was the last time you saw her ? A I saw her the last time when that baby was small, it must have been about the first part of '72. Along there.

Q In Fort Scott ? A Yes sir.

Q How old was the boy Joe at that time ? A He was a young baby. Probably a year old; but I don't hardly think he was that old.

Q Less than a year you would say ? A Yes sir. I think he was less than a year old probably when they left there.

Q When you first knew Alonzo you say he was about 18. How long from that time was it until he married ? A He married '65, I believe. He may have been older than that. I don't know what his age was. He helped his father with the horses.

Q How long did you know him before he married ? A I knew him in '64, and he was married, I think, in '65. He was married young. His father was very much against his marrying so young when he married.

Q Did Alonzo have any brothers or sisters ? A He had this one, this half-brother Freddie.

Q That's all ? A That's all I ever saw or heard of.

Q Had no sisters ? A I never heard of any.

Q Have you ever resided in the Cherokee Nation since the war ? A No sir.

Q Have you ever been an applicant for citizenship in the Cherokee Nation ? A No sir, I have no right here at all.

Q Did you ever apply ? A No sir.

Q Any of your family ? A No sir.

Q Did you ever claim to have ? A No sir. My brother was a citizen here in the Cherokee Nation.

Q What was his name ? A Hays.

Q Is he a citizen yet ? A No, he is dead.

Q His family ? A He left no family; his wife died before he did, and they had no children.

Q Where were you living in the year 1866 ? A I was living in Fort Scott.

Q Where do you say Manley was ? A There in Fort Scott trading horses.

Q Did he marry that year ? A He was married, I think, in '65.

Q Are you certain about that ? A No I aint certain about it. I know that he was married there and stayed there quite a while after he was married. I know he was there in the first part of '70. I am positively sure he was there then.

Q You can't say whether he was in the Cherokee Nation in November, 1866 ? A Well, he wasn't; he was there in Fort Scott.

Q Who was he working for ? A Kirkendal, the same man his father worked for.

Q Who was Kirkendal ? A He was a man who owned race horses.

Q Were the streets of Fort Scott numbered at that time ? A No sir.

Q Were they designated in any way ? A Well, there was Locust street; and Market street; and Main street;

Q Will you tell me exactly where this man lived in November, 1866 ? A He lived on what they called Plaza, in a house that is torn down and gone now.

Q Who was living in For Scott who knew, besides yourself, that this man lived there during 1866 ? A Well there's Mrs. Anthony, that knows him. A man named Wiley Anderson; Ben Crowl, and several others that knew him.

Q Do you know where this man Alonzo Manley came from when he came to Fort Scott ? A From the Cherokee Nation, with his father and mother.

Q What makes you suppose that ? A Because he was a boy living with his father.

Q How do you know where his father came from ? A Because he married Harriett there before the war, and bought her from her folks. She said so. That's what she told me herself.

Q Well you didn't know this man Manley at the time the war commenced ? A No sir.

Q Do you know his status, whether he was free then ?

A They didn't belong to anybody. Him and Cullen were free, so they said.

Q Where did you live; what part of the Cherokee Nation?

A I lived here between here and Webbers Falls on the Arkansas river.

Q How far from Fort Gibson ? A I lived just above where Spaniard Creek empties into the river.

Q How far is that from Fort Gibson ? A I don't know.

Q Don't you know how many miles ? A No sir I never measured it. I never went up that way, and don't know a thing about it.

Q You haven't any idea how far it was from Fort Gibson ?

A No sir. Never heard anybody say.

Q Where was Alonzo Manley in December, 1866 and January, 1867.

A In 1866 he was there, unless he was away somewhere; his family was there anyway.

Q What composed his family then ?

A His wife is all he had.

Q When was Joe born ? A I don't know; sometime along there in the 60 s, or the first of the 70 s. I don't know exactly when he was born.

Q Don't know what year he was born ? A No sir.

Q You don't know where Alonzo Manley was in the month of December, 1866 ? A No, but he was there I suppose.

Q Just testify as to what you actually know.

A His wife was there. He was there in '69, because he shot his leg there, and was laid up there for quite a while in '69.

Q You can't state then, of your own knowledge, where Alonzo Manley was in January, 1867 ? A No sir, not any special month.

Q How the mother of this boy Joe; what was her name ?

A Her name was Eliza Whitmire before he married her.

Q You saw him as late as 1872 in Fort Scott ? A Yes sir.

She was there for that long if not longer.

Q Did you ever know Alonzo Manley after the time about which you have spoken ? A No sir. I know he moved to the Territory. At least they said he did.

Q You never saw him yourself ?

A No sir, I have heard of him several times, but never saw him.

Q Well, when were you here; what years ?

A I have been here ever year since '71 nearly. Every two years or every year I would come and visit my brother.

Q Did you never apply for citizenship in the Cherokee Nation ?

A Why no, I had no right to apply for citizenship.

Q Do you know what Alonzo Manley's mother's name was ?

A No sir, I never saw her nor heard tell of her even.

Q You are here testifying in a number of these Freedmen cases are you not ? A No, I know a number of them.

Q How many cases did you testify in yesterday ?

Mr. Davenport: I submit that that doesn't make any difference. I don't object to it, however. Give him the number of cases you testified in Mrs. Davis, if you can.

A Three, I think.

Examined by Mr. Davenport:

Q You have only testified as to what you knew in these cases ?
A That's all I aim to do.

The Commission: This testimony will be filed in the case at bar, and also in the case of Joseph Manley, Cherokee Freedman No. D 628.

applicants not listed

the above and foreign notes thereof.

Subscribed and sworn to before me this 20 day of February, 1902.

Commissioner

To be filed with F. D. 628.

Department of the Interior;
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Neigs for the care
of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follo

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.

Q What is your residence? A Fort Scott, Kansas.

Q Do you hold any official position at the present time? A Yes, si

Q What is it? A County Clerk.

Q Of the county in which Fort Scott is located? A Yes, sir.

Q Have you an official paper? A Yes, sir.

Q What is it? A Our official paper at the present time is the
Republican, but that changes you know from time to time.

Q Do you know what your official paper was in December, 1866, and up
to and including March of 1867? A Yes, sir.

Q What was it? A The Fort Scott Monitor.

Q Are you required to keep files of this paper in your office? A Yes

Q Have you a file of the official paper including December, 22, 1866,
up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account
found in the Fort Scott Monitor of date Wednesday, December, 26, 1866,
found on the second column of the editorial page, headed "Another Murder

MR. BROWN: Comes now the agent for the applicant and objects to the
introduction of these newspaper accounts for the reason that they are
incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts
introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford
of this city was found murdered. A colored man, named Eli Hackey,
has been arrested, and is in jail, charged with the crime. There
would not seem to be much, if any, doubt of his guilt. Mr. Hayford
has been a resident of Fort Scott for several years, has kept a
grocery and provision store on the corner of Williams and Bigler
Streets, and was a very quiet and inoffensive man. The facts of his
murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford
had placed on a box, outside the door of his store, was stolen. He
missed almost immediately, and learning that Hackey had taken it,
and was then on his way home with it, (Hackey resides near Fort Scott
mills,) Mr. Hayford jumped on a horse and started towards the mill.
He had not been gone more than twenty or thirty minutes before
several shots were fired, on the road between the city and the mills.
where Mr. Hayford was found on the ground, in the last agonies of
death. He had received four shots from a weapon, evidently a
revolver.

suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Harrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and E. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler, read a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body of Mr. Hayford, then lying dead before them. One shot entered the region of the stomach, which was about over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other passing downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Gullin, (colored), born - was at Hayford's Saturday evening, just after six o'clock, came on horseback, left his horse at the door, went in and found Hayford alone and going toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the boardwalk door when I went in; Hayford came out and the flour was gone; I asked who was there when I came in, and I told him I asked him to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was showing right and left; I inquired if he had so on a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at that time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had so on him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek, looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. Q. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home with about a man came to my house and inquired for me. I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Loohey, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Along Oullin told me he saw Mackey on the road, towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neill, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man who from his trial came off the prosecuting witness left for some unknown, and Macley was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Macley, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Macley, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, went in company with his son, Charles T. Wheaton, Edward Coe - who served on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hayford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation.

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Joe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Who arrested him? Myself and a man we called London Jones.

Q That this other man here with you? A Yes, sir.

Q About how long after this reported killing? A I heard the shot fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.

Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.

Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.

Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.

Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.

Q Was he put in jail? A Yes, sir.

Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 20th I think it was.

Q Of February following, of 1877? A Yes, sir.

Q Well did he make his escape? A He got away.

Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.

Q Ed Coe was the turnkey was he? A Yes, sir.

Q I will ask you then if there was any searching parties out for this man? Yes, sir.

Q For how long? I think he was killed on the 20th of March.

Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.

Q Well were there quite a number of people out searching for him? A Yes, sir.

Q Considerable excitement at that time? A Yes, sir.

Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.

Q Up until that time? Yes, sir.

Q You say that was for about three weeks? A Yes, sir, something over three weeks.

Q From the 26th of February up until about the 20th of March? A Yes, sir.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee or not? A Yes, sir, he was.

Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.

Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.

Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.

Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.

Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.

Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

- Q What is your name? A H. C. Jones.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 66.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
- Q And were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City Marshal, called town constable.
- Q You was a city not a town? A Yes, sir.
- Q Did you assist in his first arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that's present here? A Yes, sir.
- Q Did you hear the shots that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him? A You mean after?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q '67? A In '66 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber attachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-395, D-396, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

P. G. Reuter
Notary Public.

IN THE MATTER OF THE ESTATE OF JAMES H. HARRIS, JR., DECEASED.

Journal of Management Studies, 19(1), 67-80.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1902.

In the matter of the application of Joseph Manley for the enrollment of himself, wife and children as Cherokee freedmen.

SUPPLEMENTAL TO D-628.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's agent, J. R. Sequishie, Chelsea, I. T., that it would on the 20th day of May, 1902, at the office of the Commission, introduce testimony tending to disprove the right of Joe Manley and others to enrollment as Cherokee freedmen. The agent for the applicant and the applicant have this day been called and fail to appear.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871 as taken from the records of the Executive Department of the Cherokee Nation, and from a book entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from the colored doubtful roll Tahlequah District, the following:

"No. 52. Alonge Gullin and wife Eliza claiming rights by marriage.

Judgment against claimant June 20, 1871." -

and the following judgment from the same page:

"No. 45. Gullin Manley, too late.

Decided against claimant June 13, 1871."

The Cherokee Nation also asks that the testimony of Lydia Barton taken in the case of Elizabeth Meigs, No. D-521, be filed with and made a part of the record in this case.

COMMISSION: The request of the Cherokee Nation will be complied with and the testimony made a part of the record in the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes heretofore in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Richard M. Croninger)

Subscribed and sworn to before me this 3rd day of June, 1902.

Notary Public.

In the matter of the application of James H. Harty
for the annulment of his marriage, late
Harty, and his children, John, Frank, Sarah,
Charles and Edward.

Shirley 7-2 193.

On this 1st day of July, 1938, the following was

transmitted by the Commission.

What is your name? James H. Harty, 307 1/2
How old are you? 41. I was born on the 15th of this

month of May, 1897. What is your place of birth? I was born in
Ireland. Are you a married man? Yes, Sir.

When were you married? I was married on the 10th of January,
1919.

You are married to a woman, is that correct? Yes, Sir. Her name is
Shirley. How old is she? She is 27 years old.

How long have you been married? We have been married for 19 years. I think as well as
she is 27 years old. She was born on the 15th of May, 1911. I don't know.

She is working in the town? Yes, Sir. She is a typewriter operator. She was married
last October, 1918.

Have you a marriage certificate? Yes, Sir. It is
in the house in the trunk.

Will you bring it to the Commission? Yes, Sir. I can
bring it at any time.

Have you and your wife been living together ever since
you were married? Yes, Sir. Here in this town.

Are you the owner of the house? Yes, Sir. We live here in the town.

James H. Harty on oath stated that the foregoing is true to the
Commission to the best of his knowledge and belief and that the same is a true and correct
statement of the facts and circumstances of his life and family.

Witness my hand and seal this 1st day of July, 1938.

John C. Harty

Notary Public

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 18th, 1903.

-----M
In the matter of the application of Joseph Manley }
for the enrollment of himself; his wife, Kate }
Manley, and his children, Ida, Frank, Sarah, }
Lelah, Joseph, Willis and Daisy Manley, as }
Cherokee Freedmen, }
-----M

Cherokee F-N 428.

Morris A. Sorril, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Morris A. Sorril.
Q. How old are you? A. Why, I will be 28 the 28th of this coming May.
Q. What is your post office? A. Vinita, I. T.
Q. You are not a Cherokee Freedman? A. Yes, sir.

The applicant appears to be listed on Cherokee Freedman Doubtful #193.

- Q. You are married, are you? A. Yes, sir.
Q. What is your wife's name? A. Ida Manley, before I married
Q. Is she the daughter of Joseph and Kate Manley? A. Yes, sir; oldest daughter.
Q. How old is she? A. She is about 18, I think, as near as I know. She passes for 18.
Q. She is 17. A. She told me she was 18. I don't know. She is nearly 18 by this time.
Q. When were you married? A. Last October. 5th of last October, 1902.
Q. Have you got a marriage certificate? A. Yes, sir; it is out to the house in the trunk.
Q. Will you bring it to the Commission? A. Yes, sir; I can bring it any time.
Q. Have you and your wife Ida been living together ever since you were married? A. Yes, sir; here in Vinita.
Q. In the Cherokee Nation? A. We live here in the town.

.....

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of May, 1903.

Jesse O. Carr

Samuel Foreman

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of---

Etta Manley et al.,	Cherokee Freedmen D-	353
Ella Whitmire,	Cherokee Freedmen D-	433
Becky Webber	Cherokee Freedmen D-	435
Lewis Webber, Sr., et al.,	Cherokee Freedmen D-	554
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-	628
Robert Webber, et al.,	Cherokee Freedmen D-	630
Sam Webber,	Cherokee Freedmen D-	663
Josh Webber,	Cherokee Freedmen D-	691
Sidney West,	Cherokee Freedmen D-	564
Sabra McQueen,	Cherokee Freedmen D-	132
Sarah Chatman, et al.,	Cherokee Freedmen D-	678
Susie Webber (Whitmire) et al	Cherokee Freedmen D-	680
Eliza Rogers,	Cherokee Freedmen D-	950

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., and Willie Manley, and that subsequent to the filing of the original application, an affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen 1-350, Elizabeth Meiga, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedman D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd, and Beulah Webber, can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicants, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 82, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866, and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman, and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 713), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber,

and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber (son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)

Tams Bixby
Chairman

(Signed)

T. B. Needles
Commissioner

(Signed)

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,

this Jan 5 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joseph Henley,

Hayden, I. T.

Cherokee-F-D-623.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Washago, I. T. May 30th 1908.

In the matter of the application of Joe Manley F. D. 628 for enrollment as a Cherokee Freedman.

J. C. Starr, of lawful age being duly sworn on oath says that he ~~submitted~~ a true copy of which is hereto attached, registered a notice to J. R. Segnichie, agent for the applicant Joe Manley to his post office address at Chelsoa and that on the 19th day of May 1908 he received the return card which is hereto attached, signed by the said J. R. Segnichie, showing that he had received said notice.

Subscribed and sworn to before me on this the 30th day of May A. D. 1908.

Notary Public.

D 628
UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

I do solemnly swear that I delivered a true copy
of the within notice to _____

on the _____ day of _____, A. D. 190____

Subscribed and sworn to before me this _____

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice

on this the _____ day of _____, 190____

(30)

Attorney for Applicant.

I the undersigned agent for the within named
applicant, hereby accept service of the within notice

on this the _____ day of _____, 190____

Agent for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 1908
JAMES G. HARRIS

NOTICE.

In the matter of the application of Joe Bailey,

for enrollment as Cherokee citizen:

To Joe Bailey or J. L. Squire, against his attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 20, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 17, 1902.

No. P. L. 600.

W. R. L.
W. W. Hastings
James L. Squire
Attorneys for the Cherokee Nation.

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[Illegible handwritten notes or signatures]

NOTICE

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[REDACTED]

NOTICE!

IN THE MATTER OF The application of Joseph Marley
for enrollment as a Cherokee Freedman:

Case No. F. D. 688

To Joe. Marley J. E. Sequechade Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 23d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept. 1901.

L. B. Bell.
M. W. Hastings

Attorneys for the Cherokee Nation.

30628

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 16 1901



ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

XX 4. June 11. Sept 16 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Joseph Maulery et al for enrollment as
Freedmen of the Cherokee Nation.

No. 720638

S. P. Seavickie
Agent for applicants.

COPY.

Cherokee Freedmen
D-203, et al.

Muskogee, Indian Territory, January 5, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1906, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alanzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (son of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Nannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

principal applicant. If you fail to file protest within the time
allowed this decision will be considered final.

Respectfully,

SIGNED: *Tamie Dixby*
Chairman

Encl. 2.

COPY.

Cherokee Freedman
D-628.

Muskogee, Indian Territory, January 26, 1905.

Joseph Manley, Sr.,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting, among others, the application for your enrollment, and granting, among others, the application for the enrollment of your wife, Kate Manley, and your minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley, as Cherokee freedmen. There has heretofore been furnished your former agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-8.

Register.

Tams Dixby.
Chairman.

COPY

Cherokee Freedman
D-888 et al.

Muskogee, Indian Territory, January 26, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 5, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Whitacre; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Adia, and Mammie Chatman; Evaline Jimison, Henry Cascar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alonzo, Harvey, Freddie, Raymond, Howard, Essie, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Oren, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

Encl. L-19.

Through the
Commissioner of Indian Affairs.

(SIGNED) *Tame Bixby*
Chairman.

Cherokee Freedmen
D 628.

COPY

Muskogee, Indian Territory, June 8, 1906.

Joseph Manley, Sr.,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 8, 1905, rejecting, among others, the application for the enrollment as a Cherokee freedman of yourself, was affirmed by the Secretary of the Interior May 31, 1906.

Respectfully,

M.A.

~~RECEIVED~~

Jame Bixby.
Commissioner.

Cherokee Freedmen
D 383 et al.

COPY

Waskagee, Indian Territory, June 6, 1906.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Waskagee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 8, 1906, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvet Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jamison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

H.A.

SIGNED.

James Bixby.
Commissioner.

Cherokee Freedmen
D 628.

COPY

Muskogee, Indian Territory, June 8, 1906.

Kate Manley,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 8, 1905, granting, among others, the application for the enrollment of yourself and your children, Ida, Frank, Sarah, Lelah, Joseph Jr., Willie and Daisy Manley, as Cherokee freedmen, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a Cherokee freedmen schedule and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

James Birby
Commissioner.

Cherokee Freedmen
D 383 et al.

COPY

Washago, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 8, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley St., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Wannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of the Departmental decision referred to.

Respectfully,

Encl. A-65.
H.A.

SIGNED: *James Bixby*
Commissioner.

Cher. Fr. R 806

Cher. Fr. R-806

Trans. from D 860

For record

Dec. 9. 1880

Cher. Fr. R 807

Cher. Fr. R. 807

Trans. from F.D 641

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelaca, I.T., June 10, 1901.

In the matter of the application of Dennis Vann for the enrollment of himself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Dennis Vann.
Q How old are you? A 50 years old.
Q What is your post-office? A Catoosa.
Q What district do you live in? A Coowasee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the authenticated roll of 1880? A No sir, I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation?
A I think it is on the Wallace roll, - I drew my money.
Q Did you draw what is known as the Cherokee Strip money? A No sir.
Q Your name is not on the Kern-Clifton roll? A No sir.
Q Who do you want to enroll besides yourself? A Two children.
Q What are their names? A Carrie Vann.
Q How old is Carrie? A 17 years old.
Q Next one? A Mamie.
Q How old is Mamie? A 14.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Annie.
Q You don't apply for her? A No sir, she is a state woman.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not identified thereon.
Wallace roll of citizens of the Cherokee Nation examined and applicant found as follows:
Page 186 #3428 Dennis Vann, (No district)

- Q Did you draw Strip money for these two children of yours? A No sir, I never drew for myself or my two children.
Q Did you draw Wallace money for these two children? A No sir, I just drew for myself.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not identified thereon.

- Q Were you a slave? A Yes sir.
Q To whom did you belong? A I belonged to Mattie Vann.
Q Was she a Cherokee citizen? A Yes sir.
Q An Indian? A Yes sir.
Q Did you go out of the Cherokee nation during the war? A Yes sir, I was taken out to Kansas.
Q When did you return? A In '65.
Q Have you been living in the Cherokee nation since 1865? A Oh I have been out since.
Q Out where? A Out in Kansas and Missouri.
Q Been living out in Kansas and Missouri? A Yes sir.
Q When did you come to the Cherokee Nation the last time to stay here permanently? A Been here ever since Mr. Wallace paid off.
Q What is the reason your name is not on the authenticated roll of 1880? A I don't know.
Q Did you ever apply to have it put on? A I have been to every roll that was put on since '76.
Q You don't know why it is that your are not on the 1880 roll?
A No sir, I went to the Cherokee Council.
Q What did they do? A After they drew they notified Mr. Bennett to pay me, I will show you the paper, they notified Mr. Bennett to pay me, and I got for myself but not for my children. (Produces papers)

Dennis Vann et al 2

Q Can't that was in 1862, this was dated.

A Applicants that was two years after they got paid.

Q What payment did that have reference to? A That was the Wallace Payment.

Q Why didn't you get the payment on the Kern-Glifton rally? A I don't know, I went before them here at Claremore, I thought it was on there, and when they went to look for it it wasn't on there.

Q They wouldn't pay you? A No sir.

Examined by the Honorable Rep'r W.W. Hastings

Q You never introduced a witness five years ago did you, before the Kern-Glifton? A They said they didn't need it.

Q You were rejected by the Court, right here? A They didn't reject it as I know of, they never said anything about it if they rejected it, they never said anything to me about it.

Q J. Milton Turner was your attorney? A Yes sir.

Q And you never introduced any witnesses? A Yes sir, I introduced Uncle Willie Karkun and I think Uncle George Macgregor.

Q Out there at Claremore? A I think so, yes sir.

Q At the same time you was in? A Yes sir. Whether he put them down I don't know, I introduced them.

Q Where did you live before the war? A About a mile from Saline Court house.

Q You belonged to Katie Vann? A Yes sir, used to belong to her father, and fell to her after he died.

Q Did you know Gull Howe and Pole? A Yes sir, I was raised up with them.

Q Who did you go out with? A Went out with Uncle Gilbert Vann, my uncle.

Q Where did you go? A We went to Franklin County, Kansas.

Q Who did you come back with? A Uncle Gilbert and Brother George and Lewis Martin.

Q Why didn't you get your brother George to testify for you five years ago? A He wasn't there then.

Q He was around at different places with the Commission wasn't he? A Yes sir, but I went in at Claremore and he wasn't there.

Q He was at a number of other places where the Commission was staying? A Yes sir, but I didn't know but what it wasn't.

Q You never introduced George? A No, because I thought it wasn't Turner said it was all right, I didn't know.

Q You and your brother George came back in '65? A Yes sir, and Uncle Gilbert and Lewis Martin and Joe Bean and Art Bean, all come back together.

Q All come in '65? A Yes sir.

Q That was the time you come and they had that Horse Creek fight? A Yes sir.

Q That was in '65? A That's what they say, it was the year the war closed, he made a crop that summer and then went up after the others.

Q Who made a crop? A Uncle Gilbert made a crop down on Spring Creek and went up all come in the fall.

Q Did you come in a wagon? A Yes sir.

Q You were about 14, 15 or 16 years old then? A I was about ten years old when we come up, and I was about 13 or 14 I guess.

Q You came along with George did you? A Yes sir, I come along with him.

Q Any people killed up there at Horse Creek? A Yes sir.

Q How many? A Wes Vann and Jesse Vann and Phil Vann got killed there.

Q That all? A To be sure I believe got shot in the arm.

Q You went back to Kansas then? A No sir.

Dennis Vann et al 3

- Q Did you come on down to the Rowe place? A Yes sir.
- Q Gull Rowe living there when you come? A Yes sir, we come right there in house that Jess ~~Rowe~~ Sunday is living on now.
- Q How long did you stay there? A I couldn't tell you. We never keep any dates in that time; I grew up until I was a young man there.
- Q About how many years? A I don't know how many years, I don't know whether it was six or eight or ten, I don't know.
- Q Then where did you go to? A I come and worked on the railroad over here.
- Q On the M. K. and T.? A Yes sir. That's the first railroad that was ever through here.
- Q ~~Was it before that time when you stated before that you remained there up until '67 didn't you?~~ A I am not positive of it.
- Q Where did you go then? A I said I worked on the railroad.
- Q Where did you work to, did you work on the railroad all the time? A No, after I worked on the railroad I worked on the steamboat from here to Fort Smith on the river, back to Fort Gibson.
- Q How long did you work there? A About a year or two.
- Q Tell me when you went back to Kansas? A I don't know, I have been there lots of times, just time and again go back to work and come back here; I couldn't tell you how many times, I have been there lots of times to work.
- Q Where did you marry? A I went over here to Leavensworth and married there and she died and took my children to my mother, and come back here.
- Q Where did you marry the next time? A In Kansas City, and brought my wife here, and she died in Catoosa.
- Q Where did your first wife die? A In Leavensworth.
- Q How long did you live with her? A Three or four years.
- Q Did you have any children by her? A Two.
- Q What were their names? A Carrie and Minnie.
- Q Where were they born? A Carrie was born in Leavensworth and the other one was born up here at Gooseneck.
- Q When were you married first? A I don't know, it has been a long time, I can't tell just the dates now.
- Q Well, about how long after you come back here? A Oh I couldn't tell you, ~~it~~ how long.
- Q About how old were you when you were married? A I guess I was about 24 or 5. I just don't know exactly how old I was then, it has been a long time.
- Q How long had you known your wife before you married her? A Oh I knowed her not very long.
- Q You met her at Leavensworth? A Yes sir.
- Q What were you doing up there at that time? A Oh just working around like any other young man.
- Q When did you permanently locate down here? A After I married I brought my wife down here and have been here ever since, ever since the Wallace court has been here, just living here.
- Q You never did permanently locate here before that time? A No sir.
- Q Where did you locate first here permanently? A Located up here in Gooseneck, and then from there down to Catoosa and I have been living there ever since.
- Q You married the second time at Kansas City? A Yes sir, I have been married three times.
- Q Where did you marry the third time? A At Catoosa.
- Q When did you marry the last time? A It has been two years the 10th of June.
- Q The first two wives dead? A Yes sir.

Examined by Com'r Needles:

Dennis Vann et al 4

- Q When you came down here in '65 were you with your father and mother? A With my brothers.
- Q Where were your father and mother? A My mother was dead, and my father didn't come right with us, he was little after while did, he is living now, I guess he is about 304 years old.
- Q I understand you were married twice in Kansas? A Yes sir.
- Q How did you happen to go up there to back to Kansas to get married? A Just happened to be back and see girls that I like.
- Q There were good looking girls down here in the Territory? A Well, I know, but a fellow just--
- Q Every Jack has his Jill? A Yes sir.
- Q Are you married now? A Yes sir.
- Q What is your wife's name? A Annie.
- Q Is she a state woman? A Yes sir.
- Q Your wives were all state women? A Yes sir.
- Q Where did your last wife live when you married her? A She lived in Olathe, she has been here in the Nation for a long time.
- Q Have you known her since she came here? A No sir.
- Q These two children that you apply for are by your first wife, A Yes sir.
- Q Did you have any children by your second wife? A No sir.
- Q After you married your first wife you lived in Kansas with her awhile? A I stayed there about a year.
- Q And then came back to the Nation? A Yes sir.
- Q After you married your second wife did you live there awhile? A Brought her right on here.
- Q Went up there for her and brought her right on here? A Yes sir.
- Q You knew her before you went up there after her? A Yes sir, she had been here before.

THOMAS MAYFIELD, being sworn and examined by Gen'l Needles, testified as follows:

- Q What is your name? A Thomas Mayfield.
- Q What is your age? A About 36 or 7.
- Q What is your post-office? A Spavinaw.
- Q Are you a recognized citizen of the Cherokee Nation? A I am not, I ought to have been.
- Q You claim citizenship do you? A Yes sir.
- Q Do you know Dennis Vann, the applicant? A Yes sir.
- Q How long have you known him? A I have known him a long time, I knowed him along in '66.
- Q Was he a slave before the war? A I don't know who he belonged to.
- Q You don't know nor don't know who he belonged to? A No sir.
- Q Where did you first get acquainted with him? A I will tell you what I know about it, when I come down here myself they sent him from Fort Gibson up to my house after my family, after he and my wife to go down and see her sister, being there at the point of death, and they were here then.
- Q How is it, they sent him after you you say? A Yes sir.
- Q When did you come here? A I come here in '66.
- Q And he came after you to go and see your sick family in '66 was it? A Yes sir.
- Q How long after you came? A Along in the winter.
- Q Do you know when he came himself from Kansas? A No sir, he came there with old man Gilbert, I don't know exactly what time it was.
- Q You saw him here in '66? A Yes sir.
- Q Have you known him ever since that? A Yes sir.
- Q Has he always lived in the Cherokee Nation? A Yes sir.
- Q Have you ever known of him living in the state of Kansas? A No sir.
- Q Have you ever known of him being in the State of Kansas? A I don't know that.
- By Charles Ben to Hastings.

Dennis Vann et al.

- Q You have known him since 1866? A Yes sir, always, I see him.
- Q How often have you saw him? A Oh well I couldn't tell that, I was on Grand river and he was up at Fort Gibson.
- Q Has he lived at Fort Gibson all the time ever since? A When he wasn't there he was up at his uncle's down here on Spring Creek.
- Q He has lived at Fort Gibson or Spring Creek ever since? A Yes sir, to my knowing, I don't know.
- Q When was the last time you saw him at Fort Gibson? A I don't know that, I don't go down there very often.
- Q Well about when? A Well I saw him, as I don't date to say, he had been there since '66, I guess he was on Spring Creek and bookwards and forwards to Fort Gibson, I think he lived mostly at Ft. Gibson.
- Q Did you see him at Ft. Gibson since '66? A I couldn't say I see him there, because I hardly remember that down there ever go down there.
- Q Have you seen him on Spring Creek since '66? A Yes sir.
- Q When? A I couldn't say.
- Q How long after '66? A It may have been two or three years, I don't know.
- Q Have you seen him since that time on Spring Creek since that two or three years? A Yes sir.
- Q When? A I can't date the time, I am not sure at all.
- Q You are a preacher ain't you? A Yes sir.
- Q I want you to tell how often and when you saw him there on Spring Creek since that time? A I don't believe I can tell, it, because it has been so long ago I can't recollect.
- Q When was the last time you saw him on Spring Creek? A That I don't know.
- Q Have you seen him there in the past thirty years? A Yes sir.
- Q When? A Some time inside of that time I have, but I can't tell you exactly when.
- Q About when, your best judgment? A I might go to work and tell you I saw him five years ago and it might not be so.
- Q I don't want you to tell me anything that's not so? A I don't want to tell anything that's not true.
- Q Your best judgment tells you you saw him when? A I saw him on Spring Creek, but I can't tell when.
- Q Was he living there? A Yes sir, with his people.
- Q Who were his people? A Gilbert Vann.
- Q He wasn't married then? A I don't know.
- Q Have you ever seen him since that? A I say he was married.
- Q Had you heard he was married? A I didn't know that.
- Q You know what his wife's name was? A I don't know that.
- Q You don't know how many times he has been married? A No sir.
- Q You are enrolled on a doubtful roll your self? A I am enrolled on it I reckon, I ought not to be on it.
- Q You went down before the Council to get enrolled yourself?
- A Yes sir.
- Q And they didn't enroll you? A No sir.
- Q Who did you come back here with? A I come down here with several of them, I don't know who all.
- Q Name some of them? A Nathan Turner, Duffin we call him, and old man Adams, several others that are dead.
- Q Did you come back in the spring or in the fall? A In the fall.

By Don'r Needles:

- Q You came back in the fall? A Yes sir.
- Q What time in the year was it you saw Dennis? A That was along in the winter, he come up there where I lived now in the winter to get us to go down and see my wife's sister.

Dennis Vann et al. 6

Q Was it after Christmas or before? A It was very cold, I don't know.

Q It might have been in January mightn't it? A I don't know.

Q It was along that winter some time after you come? A Yes sir.

Applicant re-called, and further examined, by Com'r Needles:

Q Who did you know then? A Katie Vann.

Q What relation is she to you? A ~~None~~ None at all.

Q When did you first see her? A I have been seeing her ever since I have been born.

Q Did she come here with you? A Yes sir.

KATIE VANN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Katie Vann.

Q How old are you? A 55 on the roll I guess.

Q What is your post-office? A Lenapeh.

Q Are you a recognized citizen of the Cherokee nation? A Yes sir.

Q Is your name on the authenticated roll of 1880? A Yes sir.

Q You are a Freedman? A Yes sir.

Q You know Dennis Vann the applicant here? A Yes sir.

Q How long have you known Dennis? A Ever since he was a little child.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A Belonged to Kattie Williams by her husband's name, but she was a Vann.

Q She a Cherokee citizen? A Yes sir.

Q Was Dennis taken out of the country during the war? A Yes sir, he went north with his people.

Q When did he come back? A He was here in '66.

Q How do you know? A I saw him.

Q You saw him here in '66? A Yes sir.

Q Did you come back with him? A No sir, I come back before.

Q You were taken out? A Yes sir.

Q And did you come back before '66? A I come back in the spring of '66, and they come in the fall.

Q Did his father and mother come back with him here? A His mother died in Kansas.

Q Did his father come with him? A No sir, not as I know of, I didn't see him until after they all come, I couldn't tell who all come with them, but I seen him.

Q Have you known him ever since? A Yes sir.

Q Where has he been living since '66? A I couldn't tell you all the time, he lived on our place once and made a crop there.

Q Did you know his wives? A I knowed his wife after he married her, and brought her there.

Q First wife? A Second wife, I didn't know his first wife at all.

Q Did you know his second wife? A Yes sir.

Q Where did he marry her? A I couldn't tell you.

Q Did he bring her there? A Brought her there on our place.

Q Is she living? A She is dead.

Q Did he marry again? A I don't know.

Q Do you know any of his children? A No sir.

Q Did they have any children? A They had one boy, him and this last wife, he had had one boy.

Q Did he have any children by his first wife? A I don't know, what I heard ~~he had had but I didn't see them.~~ I heard he had had but I didn't see them.

Q Did he have any by his second wife? A He had one boy, I don't know whether that was his or not, I couldn't tell the boy was with them when they come on the place on our place.

Examined by Hastings:

- Q Where did you first see this Dennis after the war? A I saw him at Miss Archers, he worked there for Miss Archer.
- Q The old lady Archer is living? A Yes sir, and then I saw him around in the neighborhood there.
- Q Did he work for Mrs. Archer in '66? A No, well he might have went there in the winter; he made a little crop there in '67.
- Q I want to know where you first saw him after the war? A I saw him and Saline District.
- Q Whose place? A I don't know whether it was at the church or where; I know I saw him at Mrs. Archers, but I don't know whether it was the first time I saw him after he came back or not.
- Q That's the first time you can recall definitely? A No, I saw him at the church, that was where we would see one another more.
- Q Where was the church? A On Spring Creek.
- Q How far from George Ross' place? A About ten miles south-west.
- Q You knew where he was living then? A Must have been staying with his brother George, come with him.
- Q Come with him in '66? A Yes sir.
- Q Where were you living then? A On the place we bought on Spring Creek.
- Q What is your husband's name? A Sam Vann.
- Q First time you can positively recollect where this fellow lived you saw him living at Mrs. Archers? A No that wasn't the first time I saw him.
- Q Who preached down there? A Fred Martin and Uncle Billy Loody and uncle Billy Vann.
- Q Where was that church house located? A It wasn't no church house, just a brush arbor, and around at people's houses.
- Q Where was this brush arbor that you saw? A Down on Spring Creek on Jesse Vann's place.
- Q That was in the winter? A No sir.
- Q What time was it? A In the fall.
- Q In the fall of '66? A Yes sir.
- Q You don't remember who preached at the time you saw him? A Uncle Billy Vann.
- Q Do you know it was him preached at that time? A Yes sir.
- Q How many years did he stay right there about Spring Creek? A I couldn't tell you that, because I didn't live right there where he was, I stayed at home and I didn't go around only when I would go to church.
- Q How often did you see him at church? A Not more than once or twice.
- Q He dropped out of your sight for a number of years? A Went to Miss Alberty's and saw him there when he was making a crop.
- Q After that time did he drop out of your sight? A I didn't know whether he got over there after he worked there or not.
- Q After '67 when did you see him? A I never saw him any more until he moved there on our place.
- Q When did he move on your place? A About ten or 12 years ago.
- Q He came from Kansas down to us? A I don't know.
- Q His woman was a state's woman? A I guess so, I don't know.
- Q He married her in Kansas City? A I couldn't tell you.
- Q Well now from '67 until then you never saw him? A No sir.
- Q Did he tell you about living in Kansas? A No sir.
- Q Did he tell you he had another wife before? A I know he had another wife.
- Q Did he have any children by the first wife with him? A I never see any children by his first wife, with him.

Applicant re-called, and examined by Mr. Hastings:

Dennis Vann et al 8

Q Where did you see Columbus the first time after the war? A At Gibson.

COLUMBUS LASLEY, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Columbus Lasley.
Q How old are you? A 22.53.
Q What is your post-office address? A Tahlequah.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes sir.
Q You know the applicant, Dennis Vann? A Yes sir.
Q Was he a slave? A I couldn't tell you.
Q Where was he when you first knew him? A Port Gibson.
Q When? A I couldn't say just when.
Q You don't know what year? A No sir.
Q How long was it after the war? A It was a few years after the war.
Q Have you known him since that time? A Yes sir.
Q Where has he been living since that? A I couldn't tell you, I saw him around Tahlequah some.
Q You don't know where he permanently resided with his family since then? A He was at Gatoosa out here west of here since.
Q You know his children? A No sir.
Q Know any of his wives? A No sir.
Hastings waived examination of this witness.

Applicant re-called, and further examined, by Com'r Needles:

- Q Who was the mother of these two children, Carrie and Mamie?
A Charlotte.
Q That was your first wife? A Yes sir.
Q She was a state woman? A Yes sir.
Q No proof of marriage to her? A No sir.
Q Did you get a license? A No sir.
Q You married in the State of Kansas? A Yes sir.
Q Didn't you have to have a license in the state of Kansas?
A Yes sir, but I didn't get any.
Q Fact is you were not married at all? A Yes sir, just with the ~~man~~ ~~man~~ went before the squire and married.
Q The squire married you up there without any license? A I suppose he must have had a license.
Q You know whether you went to the clerk's office and got a license and paid for it don't you? A I never paid for no license.
Q How long did you live with your first wife? A I lived with her about five years.
Q Did she die? A Yes sir.
Q Have you got any witnesses to prove that you lived with her and that these children were born during that time? A No, there is nobody here knows her.

Com'r Needles: Dennis Vann applies for the enrollment of himself and two children; he is identified upon the authenticated roll of 1890 or the census roll of 1896; but is found upon the Wallace roll, but not upon the Kern-Clifton roll; he avers that he has been married three times, - he married his first wife in the state of Kansas, by whom he has two children, Carrie and Mamie, whose names do not appear upon the rolls of the Cherokee Nation; no proof is made of marriage other than the testimony of the applicant himself; he avers that he never had a marriage license, although he was married in the state of Kansas; proof of their residence is unsatisfactory, consequently, Dennis Vann and his two children Carrie and Mamie,

Donnie Varn et al ?

will now be listed for enrollment as Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in his case, when arrived at.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H.D. Green

Subscribed and sworn to before me this June 17, 1901.

A. McKinnon

Commissioner.

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Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been sheriff of your district? A Sheriff one time and senator
two times.

Mr. Hastings: I desire to offer this testimony in the
Arthur Bean case, D-213; Joseph Bean, D-215; Lucy Bean, D-390;
Lewis Martin, D-289; and Fannie Light, D-267.

Ernest O. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of the stenographic notes thereof.

Sworn to and subscribed before me this 22 13th of August, 1901.

Commissioner.

X

File with Cherokee Freedmen, ~~1865~~ D 641, Dennis Vann.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, T.S., June 12, 1891.

In the matter of the application of Tobias Seah et al. for
enrollment as Cherokee Freedmen.

Applicants:
Willetta Smith, attorneys for applicants;
W. Hastings, of counsel for Cherokee Nation.

JOHN COCHRAN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q Mr. Hastings? What is your name? A John Cochran.

Q What is your age? A About 55.

Q Where were you born? A Here in the Cherokee Nation.

Q Cherokee by blood? A Yes, sir.

Q Did you go out of the Nation during the war? A No, sir.

Q Where did you live in '65 and '66? A Out here on Grand River,
it was known as the Johnson Thompson place.

Q A brick house there? A Yes, sir.

Q Mr. Cochran, was your father living with you in '66? A Yes, sir.

Q When did your father die? A In the fall of '66, he was killed
the band of Goshaw.

Q Where was he killed? A On the military road at what was
known as the Bob Daniels place.

Q How far was that from the place you are living? A It is about
three miles.

Q On what side of the Grand River were you living? A It would be
on the west side, same side the military road was.

Q Do you know Bob Daniels Knight, who is a witness here in this case?
A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend,
to catch the people who did the killing? A Yes, sir, I went and got
the sheriff and his posse, we were trying to find the man that killed
him, his name is Lewis Vittetown.

Q Where did you go? A I went up right northwest on what is
known as Cabin Creek, over near the Lee Schrimmer place, and couldn't
see any track of a wagon, which I thought he had gone and left in a
wagon, and then I came across northeast in the direction of Horse Creek
and I found the place what was known as the old Knight place, it
would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't
anyone there at all.

Q You made an examination of the house at that time? A Well,
we just rode around there, there wasn't a soul in there, it was open
and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No,
sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after that? A It was along in about, I would
say about the 10th or 15th of December.

Q Of what year? A The same year.

Q Was anybody living there at that time? A No, sir.

Q Do you know who afterwards lived in that house? A No, sir, I
don't.

Q You knew what place it was called, known as? A Oh yes, I know
it was the old man Knight place.

Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?

A In the spring of '37.

Q Up to that time, did you hear of any fight made upon any negroes on Kurea Creek in the Cherokee Nation?

Mr. Hollister: I object to the question as not material in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.

Commissioner: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.

Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.

Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.

Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.

Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.

Q How far were you living from Andy Frye and Willie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.

Q You didn't know Tobe Bean then? A No, I knew the others that was living there.

Q You were acquainted with the other colored people who were living over there? A Yes, sir.

Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.

Mr. Hollister: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.

Q No fights at all? A At that time there wasn't nobody killed?

A Well there was when my father got killed a month before that.

Q Where did he get killed? A On the military road.

Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.

Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.

Q Do you swear that you heard of every fight that occurred?

A Well, I would remember it if I did hear it, I don't think I heard of any.

Q Where did you say you lived along about that time? A On Grand River.

Q How old were you then? A Well, I must have been nearly 20 years old.

Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.

Q Near what place on Grand River now? A I believe they call it the Ketchum place now.

Q On which side of the river were you living? A I would call it on the east side of the river.

Q You ought to know? A That is what it is.

Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.

Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.

Q Were you well acquainted with that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.

Q Whose place was that? A It was known as the Knight place, it was vacant though.

Q How often had you been up in that country? A Well, I can't tell you just how often I had.

Q I just want to know how often you had been up in that country? A I had been to that place three times that year.

Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.

Q You can remember now every place that you passed in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the San Leandro place, that was the only place there was there.

Q You just passed by these places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, came on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the last time? A Tom Thompson and old man Johnson.

Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on; is that all you did? A Yes, that was about all we done.

Q How alone to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.

Q You say you started out to hunt the people that killed him? A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.

Q You remember now it was the 10th or 15th of December? A Yes, sir.

Q How do you mean happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Acaccho, to get some groceries.

Q How do you remember at this time it was the 10th or 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November.

Q When did you have your attention called to this time before this; never thought of this till since this Freedman court has been sitting here? A I don't know, it has been talked about for several years.

Q When was it talked about? A This matter came up about the same way at the Clifton court.

Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.

Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q You testified to the same facts before the Circuit Court you testify to now? A Yes, sir, as near as I can remember.

Q What do you know about it? do you think you saw the same testimony then you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '93.

Q You are certain of that? A Yes, sir, I let him have the whisk-e to get drunk on.

Q Well now you know it was in '93 that those men shot Al Lynch do you, those Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them those Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all; you know where Rowe lived, didn't you? A Old man Dave Rowe.

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '93? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 34.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 25 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Hovew Creek.

Q What district is that in? A Delaware district.

Q Was there any road that run by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, and some negroes passed your place prior to that time?

A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearing, I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Had you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mallette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Robt Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mallette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house --

Mr. Mallette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that

A Yes, sir, they told me they were in it.

Mr. Mallette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mallette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of five miles; a little more or a little less, I don't know just what we do call it.

Q The military road was right by it? A Not by the Thompson place.

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Robt Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have come up, I think I remember, that he said something about being in that fight, or something about being

shot up there in '88, and that he was the fellow shot in that fight in '88, and probably I remarked that if he was shot in '88 he was a different man from the one shot in that fight.

Q That is your best judgment; it was to be seen, the applicant?

A Yes, sir; I think that is the reason, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing.

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the name at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Within Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

J. G. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. G. Trott.

Q What is your age? A 38.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '88.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, Kansas? A About four miles.

Q What direction from Chetopa, Kansas? A We lived on Russell Creek.

Q Well, where did you live to that fall? A Moved to the mouth of Horse Creek.

Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.

Q Do you know the defendant, John Hunt? A I have seen him, I don't know as I am acquainted with him.

Q Mr. Trotts, did you enter the war, did or did you not hear of the circumstances of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.

Q When did you hear of that? A It was in the fall of '67.

Q How far were you living from the Knight place at that time? A About four miles.

Q Now Mr. Trotts, do you remember that you came back here in the spring of '66? A I think I do.

Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.

Q Where did you come from? A Kansas.

Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.

Q Where did you stay? A In Woodson County.

Q Who did you live with up there? A My father and mother.

Q What time did you start back here in '66? A It was in the spring.

Q In the spring of '66, how did you come? A In wagons.

Q Travel through the country? A Yes, sir.

Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.

Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.

Q Which way did you come? Come by Vinita? A We came on the Neosho River.

Q Did you come by Vinita? A No, sir.

Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.

Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.

Q You stopped just inside the Cherokee Nation? A Yes, sir.

Q Up there on Russell Creek? A Yes, sir.

Q In the spring of '66? A Yes, sir.

Q What month? A I don't know exactly as I can name the month.

Q How long did you stop up there? A We stayed all the summer of '66.

Q What did you do in the fall? A In the fall we moved to Horse Creek.

Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.

Q You say you heard of a fight in the fall of '67? A Yes, sir.

Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.

Q How many fights did you ever hear of along about that time? A That is the only one.

Q You never heard of anybody being killed up there except that? A Not that year I don't think I did.

Q Now are you positive about that? A I think that is the only fight I heard of.

Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.

Q Where were the troops from? A Said to be from Van Buren.

Q Were they were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops all right, did you? A I did.

Q How many? A Seemed to be like about 20 or 25.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first know about this fight, that it was in '67 what that fight occurred? When was that first called to your attention Mr. Trott: since this Freedman Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 34 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir; '63 I meant to say.

Q The winter of '63; was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '62 or '63? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part.

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I don't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.

Q There has been about three years since that.

G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A G. W. Clarke.

Q How old are you? A On my birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Billie McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good man, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

Q. Now, was that place known by Stand Waiter Needles, testified to?

A. Yes, sir.

Q. Was that place known by blood? A. Yes, sir.

Q. Was that place on the line of the Choctaw Nation, near the Grand River?

A. Yes, sir.

Q. How far was that place from the Grand River, east of Grand River, in Delaware?

A. It was ten or 12 miles.

Q. Do you know whether the old Knight place was on Horse Creek?

A. Yes, sir.

Q. How far did you live from that? A. It was about ten or 12 miles I think.

Q. How far was the Johnson Thompson place on Grand River did you live? A. The Johnson Thompson place?

Q. How far from that? A. It is about, I would think about 15 or 16 miles, 15 or 16.

Q. When did you move to that place after the war, in what year?

A. Sometime in February, 1866.

Q. February of 1866? A. Yes, sir.

Q. Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A. Yes, sir.

Q. When did you hear of that? A. The next year, right sometime in the summer or fall, I don't recollect just what month.

Q. What year? A. Of '67, we lived then on the west side of the river, on the Stand Waiter farm.

Mr. Mellette: Where were you living at that time? A. That I heard of this fight?

Q. Yes? A. On the Stand Waiter place, on the west side of the Grand River.

Q. How far were you living from Horse Creek? A. Couldn't have been over eight or ten miles.

Q. When did you move on the Stand Waiter place. A. Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q. Was it before Christmas or after Christmas? A. I think it was after Christmas.

Q. That is the time you want it to stand? A. Yes, sir.

Q. Where did you move from? A. From the west side of the river, from the Boser place.

Q. How long did you live there? A. From February up until we left I think in January, sometime in the winter time.

Q. What year did you move to the Boser place? A. In '66.

Q. What time in the year? A. I think it was in February.

Q. Where did you move from? A. We came from the Choctaw Nation on Red River.

Q. When did you come? A. I stayed a while right on the line of Missouri.

Q. When did you come from the Choctaw Nation? A. I left the Choctaw Nation sometime in the latter part of October, I think.

Q. What time? A. '66.

Q. You couldn't be mistaken? A. No, sir.

Q. Then there is such a thing as remembering dates, I suppose?

A. I have something to remember by.

Q. You didn't have to get back here by '66? A. No, sir.

Q. Please say anything to impress it on your mind? A. If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '55, I was 15 I believe in '65.

Q About 15 years old? A About 15 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Boxer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 36 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about that fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about the done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '65? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Boxer place? A Yes, sir.

Q What did you farm with? A A little yoke of stage.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

Q You are a constable from Belmont District? A Yes, sir.
Q You have been constable before? A Yes, sir.
Q Been Sheriff of your District? A Sheriff one time and constable two times.

Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-213; Joseph Bean, D-215; Lucy Bean, D-290; Lewis Martin, D-228; and Fannie Night, D-207.

Brice C. Jones, being duly sworn, says that as stenographer to the Commission on the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 21st day of August, 1901.


Commissioner.

File with Cherokee Freedman *1000, Dennis Mann*

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

Mellette & Smith, attorneys for applicant;

W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek fight out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation in object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.

Q How old are you, Mrs. Brown? A I don't know my age exactly.

Q Give an idea? A About 60.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.

Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.

Q How long have you lived on Grand River? A About 17 years, down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.

Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.

Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.

Q How did you first learn of that? A There was some man came to my house to stay all night.

Q Who were they? A Linch West and a band of men.

Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.

Q How many were in that party? A I can't tell you positive.

Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.

Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.

Q Where was that? A Somewhere on the Military road near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that pinch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home as I saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May; in 1866, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '63.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelfth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

And that was the distance, was it? A About ten or twelve miles.

Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Ben Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellotte: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

L. L. Hunk

Commissioner.

Q Now, you are not positive, are you? A No, sir.
 Q That is the best of my knowledge, that it was '86.
 Q That is just the best of your judgment? A Yes, I am pretty
 tolerably certain about it, it was '86.
 Q What time of the year do you think it was? A Along in September.
 Q Do you know what place on Horse Creek this fight occurred?
 A No, I don't know where it occurred or nothing about
 it.
 Q Do you know whether it occurred at the old night place? A No, sir.
 Q How old were you then? A I guess I must have been 16
 just a day or a night. A Yes, sir.
 Q You hadn't been out during the war? A Out on the Cherokee
 Nation, but I wasn't out of it.
 Q There was no date to mark your return by? A No.
 Q How far did you live from Horse Creek? A I expect it must
 have been thirty or thirty miles.
 Q You were not up there when the fight occurred? A No, sir.
 Q You ever testified to these circumstances before? A No, sir.
 Q You were never called upon to remember the date before? A No, sir.
 Q You were not wanted for it? A No, sir.
 Q Have any interest in it? A No, sir.
 Q You were not taken to any place for it? A No, sir.

Exhibitions:
 In the case of the Cherokee Nation, will be made part of
 the record in the case of the Cherokee Nation, D-212, D-213, D-214,
 D-215, D-216, D-217, D-218, D-219, D-220, and D-221.

Q Now, you say that in the Cherokee Nation, the
 proceedings and testimony in the case of the Cherokee Nation, and the foregoing
 are a complete transcript of the stenographic notes thereof.

Q Now, you say that in the Cherokee Nation, the
 proceedings and testimony in the case of the Cherokee Nation, and the foregoing
 are a complete transcript of the stenographic notes thereof.

[Handwritten signature]

Continued

270 (41)

File with Cherokee Freedmen

D-641, Dennis Vann.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, K.T., October 23, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:

Mellotte & Smith, attorneys for applicants;

W. T. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A N. B. Rowe.

Q What is your postoffice, Mr. Rowe? A Rose.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Robert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned?

A I don't know, I never counted them.

Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.

Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?

A Yes, Spring Creek George was there.

Q Was he one of the men who helped bury those colored men?

A Yes, sir.

Mr. Hastings: You are not positive, are you Mr. Rowe, as to the year? A That is the best of my knowledge, that it was '86.

Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '86.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

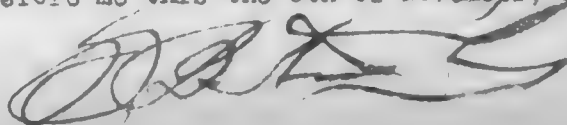
Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.



Commissioner.

Proceed D 480

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PHILIP ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mallett & Smith, Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17809 filed in the Marian Hayden case 7.D.438, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Marian Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Samuel Vann, D 441;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because: First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Marian Hayden will be made a part of the record by reference in all the cases above named with the exception of those which came within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves, that as to the above named cases including the Marian Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitacre, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedman B 441

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE MIXED CIVILIZED TRIBES.
MURKIN, IND. TEN., MAY 27, 1903.

In the matter of the application for the enrollment of
Dennis Vann et al. as Cherokee Freedmen:

SUPPLEMENTAL STATEMENT.

From an examination of the Cherokee census roll of 1867,
made under authority of article twelve, section one, of the treaty of
1862, it appears that the applicant, Dennis Vann, is identified there-
on at page 202, Saline District.

It is ordered that this statement be filed with and made a
part of the record herein.

I. B. Needles.

Commissioner.

Cherokee Freedmen 9 041

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, Ind. Terr., July 11, 1903.

In the matter of the application for the enrollment of
Dennis Vann et al. as Cherokee Freedmen:

SUPPLEMENTAL STATEMENT.

From an examination of the Cherokee census roll of 1893,
it appears that the applicants, Dennis and Carrie Vann, are identified
thereon as Cherokee Freedmen at numbers 702 and 703, respectively,
Sequoyah District, under the names of Dennis Vann and Caroline
Vann.

It is ordered that this statement be filed with and made a
part of the record herein.


Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1904

Supplemental proceedings had in the matter of the application for the enrollment of Dennis Vann, et al., as Cherokee Freedmen.

Tobias Bean, being duly sworn, testifies as follows:
BY THE COMMISSION:

- Q. What is your name? A Tobias Bean.
Q. How old are you Mr. Bean? A About 67 years old, somewhere along there.
Q. What is your postoffice address? A Vinita.
Q. Are you acquainted with Dennis Vann? A Yes sir.
Q. Where does Dennis Vann live? Where does he live? Somewhere on the river, I don't know exactly where.
Q. Do you know what district he lives in? A No sir I don't.
Q. Do you know whether or not he lives in the Cooweescoowee district? A I don't know whether he does or not.
Q. Has Dennis Vann any children? A Yes sir.
Q. What are their names? A I don't know their names, I hain't been living close to them for a long time.
Q. Did you know Dennis Vann at the commencement of the war of the rebellion? A Yes sir.
Q. Who was his owner? A. Katie Williams was his owner.
Q. Was she a Cherokee? A Yes sir.
Q. Indian by blood? A Yes sir.
Q. Did Dennis Vann live in the Cherokee Nation during the war? A. Yes sir.
Q. Do you know where he went after? A He went to Kansas, to Osawatomie where he lives somewhere near by there.
Q. When did you return to the Cherokee Nation after the war? A In '66.
Q. To what point did you go in the Cherokee Nation? A On the Grand River, about fifteen miles south of Vinita.
Q. Do you know when Dennis Vann returned? A. Yes sir.
Q. When did he come? A In '66 when I came.
Q. Dennis Vann returned with you? A Yes sir.
Q. Where did you go with Dennis Vann after you came to the Cherokee Nation? A I left him about twelve miles, or near that, when we started he was with me at Ft. Scott.
Q. What time did you leave Ft. Scott? A Along the first of September sometime.
Q. Was that your first trip to the Cherokee Nation? A. Yes sir.
Q. Where did he leave you in the Cherokee Nation? A On Spring Creek, I left him.
Q. That is in the Cherokee Nation? A Yes sir.
Q. Do you know where he has lived since that time? A No sir, I don't. I don't know exactly where he lives, somewhere in the old part of the Nation.
Q. Where has Dennis Vann lived since his return to the Cherokee Nation? A I don't know where he has been living.
Q. How often do you see him? A I don't see him more than

also in three or four years.
Q. You do not know then whether he has lived in the Cherokee Nation continuously since his return to it? A. No sir.
Q. How old a man was he at that time? A. He wasn't quite grown, just a boy.
Q. Was he with his parents? A. Yes sir, he was with his brother.
Q. His brother, what is his name? A. George Vann, his mother is dead but his father is living though.
Q. Was Dennis Vann in the Horse Creek fight? A. Yes sir.

Eda Griggs, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings in the above entitled cause and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 15th day of October 1904.

W. H. Campbell
Notary Public.

W. A. & Co.

COMMISSION TO H.A.E. LIBER
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COMMISSION TO H.A.E. LIBER
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Nov. 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Dennis Vann, et al., for enrollment as Cherokee Freedmen.

It appears that on October 15, 1904, the applicants, their attorneys and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory on Tuesday, November 22, 1904, and then and there introduce such testimony as they might desire in this case.

APPEARANCES:

Applicant appears in person and by his attorneys
Blue & Bulger.
Cherokee Nation by Bell & Hastings.

JOHN PRICE being first duly sworn testifies as follows:

EXAMINATION BY MR. BULGER:

Q What is your name? A John Price.
Q Are you acquainted with Dennis Vann? A Yes, sir.
Q How long have you known Dennis? A I have known him since in September in 1866.
Q Where did you see him in September of '66? A I saw him with a wagon right across the river from my place.
Q Where is that? A On the Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q Have you known Dennis Vann continuously since '66? A I have seen him at different times, but not all the time. I have seen him working at Jim Markhams.
Q Do you know whether or not he has been residing in the Cherokee Nation since '66? A I don't know. I saw him about the time the M.K. & T railroad came through. The last time I saw him he was at Chateau cooking in a dining car.
Q Didn't you see him since that time until today? A I don't think I saw him only here of late years.
Q Do you know where he lives now? A He has moved from over there.
Q Did you know him before the war? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q You don't know who his owners were? A No, sir.
Q You say you saw him when this railroad was being built here? A Yes, sir.
Q That was in '71 or '72? A Somewhere along about that time.
Q You didn't see him since until the last year or two. A Well I saw him about three or four or five years ago.

WITNESS EXCUSED.

FOGG JOHNSON being duly sworn testifies as follows:

EXAMINATION BY MR. BULGER:

- Q What is your name? A Fogg Johnson.
Q Where do you live Mr. Johnson? A Tahlequah.
Q Are you acquainted with Dennis Vann, the applicant in this case?
A Yes, sir.
Q How long have you known him? A I have known him a long time.
Q Did you know him before the war of the rebellion? A Yes, sir.
Q Did you know his parents? A Yes, sir.
Q Do you know whether or not he was a slave before the war? A Yes.
Q Was he a slave of a Cherokee citizen? A Yes, sir.
Q Who was his owner? A Katie Williams.
Q Do you know whether or not Dennis Vann went out of the Cherokee Nation during the war? A Yes, sir.
Q Did you and Dennis belong to the same party? A No, sir.
Q You went out of the Cherokee Nation with him, did you? A Yes/
Q When did you return? A In '66.
Q It has been a long time since '66, what makes you remember it was in '66 when you returned? A Cause when we was up there we saw the papers said for all colored folks that belonged to the Cherokee Nation were to return back.
Q Did you come back with Dennis? A No, sir, I come before he did.
Q When did he come back? A He come in '66.
Q What time of '66? A Along in September, I don't know exactly.
Q Have you known Dennis Vann continuously since '66 in the Cherokee Nation? A Yes, sir.
Q Do you know where Dennis Vann lives now? A No, sir.
Q Are you acquainted with Dennis's family? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

- Q You never saw his wife? A No, sir.
Q Never saw his family? A No, sir.
Q But yet you have just sworn to have known him in the Cherokee Nation since the war? A I havn't seen him all the time.
Q You just sworn a while ago you didn't know he came at the same time you did.
Q What year is this? A I don't know what year this is.
Q What year did Kerns-Clifton make a roll of the colored people here preparatory to making a big payment upon it? A I don't know for I can't figure like you can.
Q Do you know what year the Wallace roll was made? A No, sir.
Q How many years ago did you see Dennis Vann in the Cherokee Nation? A I don't know.
Q Are you married? A No, I was married but my wife left me.
Q What year was you married in? A I don't know sir, what year.
Q Got any children? A Yes.
Q What year was the first one born in? A I never kept no record.
Q But you heard before you left Kansas before the treaty and it was in the papers wasn't it for all of you to come home? A Yes, sir
Q That was in the spring of the year? A Yes, sir.

Q Well now was it in February, March or April? A It was along the last of March cause we got here in April.

Q That was the March or April now that you heard of the treaty you moved back here? A Yes, sir.

Q You heard about the treaty before that? A Yes, sir.

Q Well now how long after, about how many months until you saw Dennis after you come down in March or April as you stated?

A Along in September.

Q How many months after you come did you say you saw Dennis?

A About a month I reckon, it was the same month I come.

Q The same month you came? A Yes, sir.

Q You come you said in March or April? A Yes, sir.

Q Now are you positive about this? A Yes, sir.

Q You are under oath now and you say you come here in March or April, didn't you? A Yes, sir.

Q Along the last of March? A Yes, sir.

Q Are you certain about that? A Yes, sir.

Q It was along in that month you saw Dennis Vann? A Yes, sir.

Q Now you have sworn a half a dozen times in this testimony that you saw this fellow in September. Now you say you saw him in April after the treaty was made wasn't it? A Yes, sir.

Q Now you are certain about that are you? A Yes, it was in April that I come here.

Q And that was after the treaty? A I suppose it was.

Q Is that correct? A Yes, in April.

Q You left him in Kansas when you come? A Yes, sir.

Q He had been in Kansas all this time when you come? A Yes, sir.

Q You left him there? A Yes, sir.

EXAMINATION BY MR. BULGER:

Q Did you come down to the territory before the Horse Creek fight? A Yes, sir.

Q Was you living in the territory at the time of the Horse Creek fight? A Yes.

Q Do you what year that occurred in? A That fall.

Q The fall after you came down? A Yes, sir.

Q And you say you came in April? A Yes, I think so.

Q Did you come in April before or after the treaty was made?

A Before the treaty was made.

Q Where was you when you first heard of the treaty? A In Kansas.

Q And then you came right down? A Yes, sir.

Q How long did you come to the Cherokee Nation before Dennis?

A I come down in April and he come that fall.

WITNESS EXCUSED.

---oOo---

GEORGE WEST VANN being first duly sworn testifies as follows:

EXAMINATION BY MR. BULGER:

Q What is your name? A George West Vann.

Q How old are you Mr. Vann? A 54 years old.

Q Where do you live? A Cooweescoowee district.

Q Are you acquainted with the applicant in this case, Dennis Vann? A Yes, sir.

Q Are you any relation to Dennis Vann? A We are brothers.

Q Was Dennis Vann a slave of a Cherokee citizen before the war?
A Yes, sir.
Q To whom did he belong? A Katie Vann.
Q Where did Katie Vann live? A In Saline district on Spring Creek.
Q Was Katie a Cherokee? A Yes, sir.
Q Did you belong to the same person? A Yes, sir.
Q Did Dennis go any place during the war? A Yes, we took him as a little chap.
Q About how old was he then? A He must have been about, I don't know he was from eight to ten.
Q Where did you take him? A We took him in Kansas, Franklin County, Kansas.
Q Did you bring him back? A I brought him back myself.
Q When? A In '66, the fall of '66.
Q What makes you remember it was in '66? A Well I have got a good remembrance of that cause there was circulars sent all over Kansas that if we got here in the year of '66 we would have all the right of a native born Cherokee.
Q Did anything occur on that trip down here that makes it more vivid than it would have ordinarily been? A Yes.
Q What was it? A Well when we got along this side of the Neosho river we discovered someone was slipping on us in the night. Next morning we started out and we came to an old man by the name of Gillstrap and so we stopped there awhile then when we left there we crossed the timber this side of Gillstrap's some fellows run in on us and killed three men and wounded one. Two of them died right then or soon after. We come on to Spring Creek, Saline district.
Q Where did you say this killing took place? A On Horse Creek.
Q Is that what is known as the Horse Creek fight? A Yes, sir.
Q Was Dennis with you at that time? A Yes, sir.
Q About how old was he then? A He was about ten or twelve.
Q Do you know where Dennis has lived since his return? A Well he lived first on Spring Creek and next he lived with Bunk Markham and then he went on the railroad and worked, I didn't see him for a good while after that. Then after a year or two he has been constantly living on Bird Creek.
Q Has Dennis a family? A Yes, sir.
Q Of who does his family consist? A Well Dennis has a widow woman with some children, I don't know how many children.
Q You mean Dennis is a widower? A No Dennis married a widow woman and she had some children, I don't know how many.
Q Are these children Dennis's? A I don't know sir.
Q Where does Dennis live now? A On Bird Creek, Catoosa, Cherokee Nation.
Q Did you know Dennis's wife before he married her? A Yes, I knew her when she was married to a man by the name of Cain.
Q Is she a citizen of the Cherokee Nation? A No, sir, not as I know of.
Q Was this man Cain a citizen of the Cherokee Nation? A Yes, sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q About what time did Dennis marry? A I don't know sir.
Q Where did he marry? A I don't know.
Q Well he is your brother? A Yes I know but we was a good ways apart.
Q Where did you hear of him after '71? A In '71 I heard of him being here in Muskogee. In Muskogee in the Creek nation.
Q Where did you hear of him marrying? A I never heard of him marrying until I saw him

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- Q Did you see him during the Wallace court? A No, sir.
Q Do you know his children? A Why yes I know one.
Q What is the name? A Carrie.
Q Do you know she is his daughter? A No sir, only his saying so that is all.
Q Do you know his child Mamie? A Now I just heard of her.
Q Where was Dennis living during the Wallace court? A I don't know.
Q His father's name is William Vann? A Yes, sir.
Q William Vann didn't come back with you? A No, sir.
Q You didn't see him for sometime after? A No, sir.
Q Now if Dennis testified that he come back on Spring Creek in '66 he was mistaken wasn't he George? A No, he come back in '66.
Q But if Dennis testified his father come in '66 he was mistaken? A I don't know, I didn't see him at all.
Q You are a brother of this man? A Yes, sir.

EXAMINATION BY MR. BULGER:

- Q Where does Dennis live now George? A Catoosa, in the Cooweescoowee district.
Q How long has Dennis lived in that district? A Dennis has been living there about the best of my knowledge, about 17 years I think if I haint made a mistake. He has been living there a good while.

EXAMINATION BY MR. HASTINGS:

- Q I think you said you didn't know where he was living during the Wallace court? A Well I was just guessing at it.
Q You said you didn't know where he was living during the Wallace court? A No, sir.

EXAMINATION BY THE COMMISSION:

- Q Do you know the names of these children of Dennis? A I have seen one of them and one I never seen.
Q Do you know their names? A One is a girl called Mary.
Q Are these Dennis's own children? A Dennis always told us that was his child.
Q Do you know whether these children were born since he married this wife, Charlotte? A No, sir I don't.
Q Do you know whether or not this wife Charlotte claims to be a Cherokee Freedman or not, his wife he has now? A No, sir she don't claim to be a Cherokee.

WITNESS EXCUSED.

---oOo---

DENNIS VANN being duly sworn testifies as follows:

EXAMINATION BY MR. BULGER:

- Q What is your name? A Dennis Vann.
Q Are you the applicant in this case that is now being tried? A Yes, sir.
Q Where do you live? A In Catoosa.
Q Was you the slave of a Cherokee citizen? A Yes, sir.
Q To whom did you belong? A Katie Vann.

- Q Did you go out of the country during the war? A Yes, sir.
Q Did you return? A Yes, sir.
Q When? A I come back with my brother George when he come back.
Q When did you return, in what year? A We came the fall of '66.
Q Where have you been living since your return? A I have been living at Goose Weck.
Q What are the names of your children Dennis? A Carrie and Mamie.
Q Just two? A Yes, sir.
Q How old is Carry? A I don't know just exactly she is between 15 and 19.
Q How old is Mamie? A She is about 15 or 16.
Q Are these your children? A Yes, they are my children.
Q Has your wife any children besides these? A No, sir.
Q When were you married to this woman of yours? A I them times we didn't keep no dates, I don't know what time it was.
Q Were you married before Carrie was born? A Yes, sir.
Q Was these two girls, Mamie and Carrie, your children? A Yes.
Q Where are you living now Dennis? A I am living in Catoosa in the Cherokee Nation.
Q How long have you resided in that place? A About 14 years since I have been living there.
Q Where did these children live? A Well my wife never would come here and I just come to Leavenworth and back to the nation again and the children were both born there and lived there.
Q Where were the children born? A In Leavenworth.
Q Are they in Leavenworth now? A Yes, sir.
Q You made application for them? A Yes, sir.

CROSS EXAMINATION BY MR. HASTINGS:

- Q You were married then in Leavenworth? A Yes, sir.
Q Your wife lives there now? A She has been dead a year ago, I left the children with their grandmother.
Q How long has she been dead? A She has been dead--well one was about a year old and the other two or three.
Q How old is the eldest one now? A I don't know, probably 19 or 20.
Q Is Carrie married? A Yes, sir.
Q How long has Carrie been married? A I don't know.
Q About how long, four or five years? A No, not that long.
Q Well to the best of your judgement how long has she been married? A She has been married a year or a year and a half.
Q Was she married in Kansas? A Yes in Kansas.
Q Is she living in Ft. Leavenworth? A Yes, sir.
Q Is Mamie married? A No, sir.
Q Who is she living with? A She is with my sister.
Q They never lived in the Cherokee Nation? A No, sir.
Q You married their mother in Leavenworth? A Yes, sir.
Q What year? A I can't tell you, them days we never kept no dates.
Q The mother of these girls though had been married before? A No.
Q She never had been married? A No, sir.
Q Didn't one of your witnesses testify that you had married a widow woman? A That is the woman now.
Q Your present wife is a widow woman? A Yes, sir.
Q And these two children were born in Ft. Leavenworth Kansas? A Yes, sir. Q
Q The mother of them was here? A No, sir.
Q Well did you live with their mother until her death? A No,

I didn't live with her I was back and forth in the nation.
Q Were you regularly married to this woman of these children by a minister? A When we was married we never got a licence.
Q Just took her for your wife? A No, we stood up and were married by a colored man in Ft. Leavenworth.
Q Do you mean to tell the Commission now under oath you didn't have to get a licence in the state of Kansas at the time you married the mother of these children? A We were married by a colored man named Dennis Jackson.
Q Well you would know if you got a license? A Yes.
Q You never got a Clerk to get one? A No, sir.
Q And this oldest child is married and living there and never lived in the Cherokee Nation, she is living there now is she? A Yes.
Q The mother died in Ft. Leavenworth? A Yes, sir.
Q When did she die? A I don't know, I nearly forgot.
Q When Mamie was two years old? A Carrie was two or three.
Q How old was Mamie? A She was not more than one or one and a half.
Q Which is the oldest? A Carrie.

EXAMINATION BY THE COMMISSION:

Q You say that Carrie never lived in the Cherokee Nation?
A No, sir. After she got big enough to go to school I sent her to school there.
Q She never had been down here to live before that? A No, sir.
Q Then she has always lived in Kansas? A Yes, sir.
Q These are the children of the wife you married in Kansas? A Yes.
Q The one who died in Kansas? A Yes.
Q And these children never were here? A Only when Carrie come down, she come down on a visit several times.
Q She come down here on a visit? A Yes, sir.
Q Then Carrie and Mamie have always lived in the state of Kansas?
A Yes, sir.
Q These are the only children you have made application for? A These are the only children.
Q And their mother is dead? A Yes, sir.
Q You have another wife now? A Yes, sir.

EXAMINATION BY MR. BUCKER:

Q When was you married to this first woman Dennis? A Well I will tell you I can't tell what year I don't know the dates you know about anything only we were married.
Q Was it before you worked on the construction of the Katy railroad in '71? A No, it was way after that, I can't tell what year it was now.

WITNESS EXCUSED.

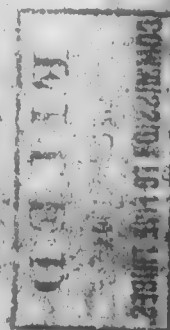
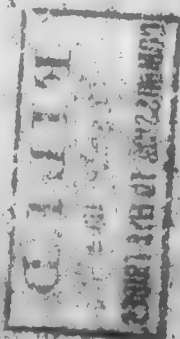
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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 22nd day of November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 1st day of December, 1904.

W. H. Smith
Notary Public.



Cherokee Freedmen D 641.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Dennis Vann et al., as Cherokee Freedmen.

--:--

D E C I S I O N.

The record in this case shows that on June 10, 1901, Dennis Vann appeared before the Commission at Chulasa, Indian Territory, and made application for the enrollment of himself and (minor) children, Carrie and Mamie Vann, as Cherokee freedmen. Further proceedings in the matter of said application were had on October 15, and November 22, 1904, at Muskogee, Indian Territory. Copies of the testimony taken at various times and places in re application of Tobias Bean et al., for enrollment as Cherokee freedmen, are filed herewith and made a part of the record herein.

The evidence in this case shows that the principal applicant, Dennis Vann, was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion he removed from the Cherokee Nation, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation, and, except as below noted, has since continuously lived therein. During the interval between the years 1875 and 1890, said applicant, Dennis Vann, resided during a part of the time, outside the limits of the Indian Territory, but it is not considered that his right to citizenship in the Cherokee Nation was forfeited thereby.

The evidence further shows that the applicants, Carrie and Mamie Vann, were born in the state of Kansas, have continuously resided therein since birth, and are the children of the said Dennis Vann and one Charlotte Vann, deceased, a non-citizen of said nation. In this connection attention is called to the fact that the evidence strongly indicates that the two first above named applicants are the illegitimate offspring of the last above named applicant and the said Charlotte Vann, deceased, which, if true,

brings them within the ruling of the Department in the case of Ellis Grinnett et al., where it was held that an illegitimate descendant, whose father is borne on the Cherokee Authenticated tribal roll of 1880, is not entitled to citizenship in the Cherokee Nation when it is shown that he has always resided with his mother outside the limits of the Indian Territory.

Attention is further called to the testimony of the principal applicant, Dennis Vann, in this, to-wit: that on June 10, 1901, he was fifty years old; that on the date of his marriage to the said Charlotte Vann, deceased, he was twenty-four or twenty-five years old; that the said Charlotte Vann died about four years after their marriage; that at the time of her death the ages of the said applicants, Carrie and Mamie Vann, were about two and four years, respectively; and, upon examination it is found that the Cherokee census roll of 1893 shows the said Carrie Vann to be, at that time, fourteen years old. Consequently, under section 4162 of the "General Statutes of Kansas", which provides,

"The period of minority extends in males to the age of twenty-one years, and in females to that of eighteen years."

said two applicants were on September 1, 1902, several years past their majority, hence, are within the ruling of the Department in the case of Ora V. Camp (I.T.D. 1418-03). And, in fine, it is considered by the Commission that after ample opportunity afforded, said applicants, Carrie and Mamie Vann, have failed to establish, by satisfactory evidence, their rights to enrollment as Cherokee freedmen, and that their application is clearly within the rulings of the Department in the cases referred to in the last paragraph of this decision.

Except that the name of Carrie Vann appears on the Cherokee census roll of 1893, neither of the said applicants, Carrie or Mamie Vann, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that Dennis Vann should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress below noted; and that, following the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 844-04), William Reeter (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), and

Worcester (I.T.D. 6056-64), the application for the enrollment of
Carrie Vann and Mamie Vann as Cherokee Freedmen, should be denied,
under the provisions of section twenty-one of the Act of Con-
gress approved June 20, 1906 (34 Stat., 225), and it is so ordered.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

(SIGNED)

J. B. Needles

Chairman

(SIGNED)

T. B. Needles

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this

JUN 16 1905

I dissent from
enrolling any of them

(SIGNED)

C. R. Breckinridge

Commissioner

RECEIVED
COMMISSION TO THE CIVILIZED TRIBES
JUN 10 1901

Per Capita Payment.

On account of the liquidation of the sum of \$750,000 appropriated by Act of Congress, approved October 10th 1888, to be paid per capita to Cherokee Freedmen, Delaware and Shawnee, I will pay as follows:

To Freedmen at Allwee, on Monday, January 30th; at Vinita, on Friday February 3rd; and at Agency office at Muskogee every Saturday being January, February and March, 1893.

To Shawnee at Vinita, on Friday February 3rd, 1893.

To Delaware on Tuesday, January 31st.

Heads of families will be paid for themselves, their wives and the minor members of their families. All other members of families, being of legal age (18 years) may receive and receipt for their own shares. In the cases of minors, members of a family, and who are not the children of the head of said family, i.e. nephews, nieces, or persons holding similar relations, and minors and helpless and incompetent persons residing with a head of a family, not a blood relation, their shares will be paid to the head of the family, provided there is not filed with me a proper certificate fully setting forth the facts in the case, and clearly establishing the fact that the person claiming the money is the proper guardian of the party to whom the shares belong. These certificates will be made upon blanks to be supplied by me.

Leo E. Bennett

U. S. Indian Agent.

These papers

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7.8.41

Dennis Vain

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 10 1901

[Signature]
ACTING CHAIRMAN

United States Indian Service,

Union

Agency,

Muskogee, Ok. Nov 21st 1892

Dennis Damm Esq.
Catoosa, Ok.

Replying to your letter of the 12th instant
I will say that your affidavits have
been forwarded to the Indian Office
in Washington, as proof in your claim
for enrollment as a Cherokee Freedman.
I will also state for your information
that your claim is allowed, and you can
receive payment any Saturday in January
February and March 1893.

Very respectfully,
L. C. Brandt

M. S. Indian Agent

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

In the matter of the application of Dennis
for enrollment as a Cherokee Freedman.

No. F. D. 641

Henry Pack, of lawful age, being duly sworn on
oath states that on the 18 day of September, A. D., 1901, he registered
to Dennis Vann whose postoffice is Catoosa

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;

and that on the 23 day of September, 1901, he received the return
card which is hereto attached, signed by the said Dennis Vann, showing
that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 23 day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

MY COMMISSION EXPIRES
MAY 26th, 1902.

8
N.B.D. 641
INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 1901

Given under my hand this _____
day of _____ A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
_____ day of _____, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

on the _____ day of _____ A.D. 1901

Subscribed and sworn to before me
this _____ day of _____ A.D. 1901.

DEPARTMENT OF THE INTERIOR, Public
Notary
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 23 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of
for enrollment as a Cherokee citizen:

Case No. D ⁶⁴¹

To

Dennis Vann Citrosa IT

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on ~~SEP 17 1901~~ *OCT 8 1901* at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *SEP 17 1901*

L. S. Bell
W. M. Hastings
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

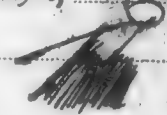
Commissioners.

22
Department of the Interior,

Commission to the Five Civilized Tribes.

To *Murrell Johnson Joe Bean*
Andy Bean

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at
Muskogee in the *Creek* Nation, Indian
Territory, on the *22* day of *Nov* 190*4*, to testify before said Commission
in the matter of the *application for the removal*
of Dennis Vann as a Cherokee
Dated at *Muskogee* this *16* day of *Nov* 190*4*


Commissioner.

RECEIVED
NOV 22 1904
U.S. DEPT. OF THE INTERIOR

Model 1

Parents must be a (special) part of the employment of

Subject **1977**

COMMISSION TO THE HALL QUALITY JURY

АНТОНОВ

五

With the aid of a few friends

10 1000

180

It was also determined a true copy of the same to send

"HARRY HARRY HARRY" I asked the native policeman on the native market

to 400.

180

of age, and that we are

and I find that I am

5

COPY.

22

Department of the Interior,

Commission to the Five Civilized Tribes.

To Murrell Johnson, Joe Dean, Andy Dean

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at
Muskogee, in the Creek Nation, Indian
Territory, on the 22 day of Nov. 1904, to testify before said Commission
in the matter of the application for the enrollment of Dennis Vann as a
Cherokee Freedman.

Dated at Muskogee, this 18 day of Nov. 1904

Tame Dixby

Commissioner.

No.

SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application
for the enrollment of
Dennis Vann as a Cherokee
Freedman. D-64.

I, do solemnly swear that I am years
of age, and that on the day of
180..., in the
Western Indian Territory, I served the within Subpoena on the within named
by them and there delivering a true copy of the same to said
Subscribed and sworn to before me this day of
180....

Department of the Interior,

Commission to the Five Civilized Tribes.

To Murrell Johnson, Joe Bean, Andy Bean

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at
Muskogee, in the Creek Nation, Indian
Territory, on the 22 day of Nov. 1904, to testify before said Commission
in the matter of the application for the enrollment of Dennis Vann as a
Cherokee Freedman.

Dated at Muskogee, this 16 day of Nov. 1904

James Dixby

Commissioner.

Hot-Dip Galvanizing

Director, American Telephone & Telegraph

FOR THE PURCHASE OF

not a matter of the

CONNECTION TO THE HALL CRAFTED THREE

ВУБОВЕЧ:

五

COPY.

22

Department of the Interior,

Commission to the Five Civilized Tribes.

To Murrell Johnson, Joe Bean, Andy Bean

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at

Muskogee, in the Creek Nation, Indian
Territory, on the 22 day of Nov. 1904, to testify before said Commission
in the matter of the application for the enrollment of Dennis Vann as a
Cherokee Freedman.

Dated at Muskogee, this 16 day of Nov. 1904

Tame Bibby.

Commissioner.

COPY.

217

F20641

IN RE

Application for Enrollment of
INFANT CHILD

Hamie Vann

as a citizen of

Cherokee

Nation.

Approved June 27th 1901

J B Needles

Commissioner.

FILED

June 29/1901
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Mannie Mann (Here insert name of child.) born on the 13th day of May, 1887,
Name of Father: Dennis Mann a citizen of the Cherokee Nation.
Name of Mother: Charlotte Mann a citizen of the U S Nation.
Postoffice Catoosa, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I am _____
years of age and a citizen by _____, of the _____ Nation;
that I am the lawful wife of Dead, who is a citizen, by
_____ of the _____ Nation; that a _____ child was
(Male or Female.)
born to me on _____ day of _____, 1887; that said child has been named
_____, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this _____ day of _____, 1901.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Eliza Mann midwife, on oath state that I
attended on Mrs. Charlotte Mann now dead wife of Dennis Mann
on the 13th day of May, 1887, that there was born to her on said date a female
(Male or Female.)
child; that said child was living March 4, 1905, and is said to have been named Mannie Mann

WITNESSES TO MARK:

(Must be Two Witnesses.) { A Harmon
John Blair

Subscribed and sworn to before me this 19th day of June, 1901.

Seal

E P Harr

Notary Public.
My Commission Expires July 11-1904

COPY. Fd 641

IN RE
Application for Enrollment of
INFANT CHILD

Harrie Vanner

as a citizen of

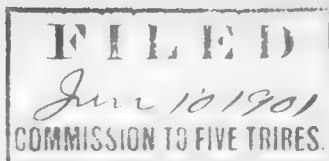
Cherokee

Nation.

Approved *June 10* 1901

J B Vudler

Commissioner.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
Carrie Vann born on the 19th day of Dec, 1883
 (Show exact date of child.)
 Name of Father: Alennis Vann a citizen of the Cherokee Nation.
 Name of Mother: Charlotte Vann now dead a citizen of the U.S. Nation.
 Residence Catoosa Co. Ga.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
 DISTRICT.

I, _____, on oath state that I am _____
 years of age and a citizen by _____, of the _____ Nation;
 that I am the lawful wife of Alennis, who is a citizen, by
 _____, of the _____ Nation; that a _____ child was
 (Male or Female.)
 born to me on _____ day of _____, 1883; that said child has been named
 _____, and was living March 4, 1905.

WITNESSES TO MAKE:

(Must be Two Witnesses.) _____

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
 DISTRICT.

I, Alennis Vann husband, on oath state that I
Charlotte Vann is dead also the midwife
 and on the 19 day of Dec, 1883; that there was born to her on said date a female
 (Male or Female.)
 child; that said child was living March 4, 1905, and is said to have been named Carrie Vann
Alennis Vann

WITNESSES TO MAKE:

(Must be Two Witnesses.) _____

Subscribed and sworn to before me this 10 day of June, 1905. Seal
Louis J. Brown
 Notary Public.

IN THE MATTER OF THE APPLICATION OF DENNIS VANN ET AL.,

FOR ENROLLMENT AS CHEROKEE FREEDMAN.

CHEROKEE FREEDMAN LOUETFUL

641.

MOTION TO REOPEN.

The record in this case shows, that Dennis Vann, the principal applicant was enrolled as a Cherokee Freedman May 28th, 1906. (I.T.D. 5449-1906), that his daughters Carrie and Mamie were denied enrollment on same date, now for his cause of complaint, he states, that;

The Department erred in denying said Carrie and Mamie Vann.

The Department erred in deciding their legitimacy was in question.

The Department erred in deciding their legal domicile was without the Cherokee Nation.

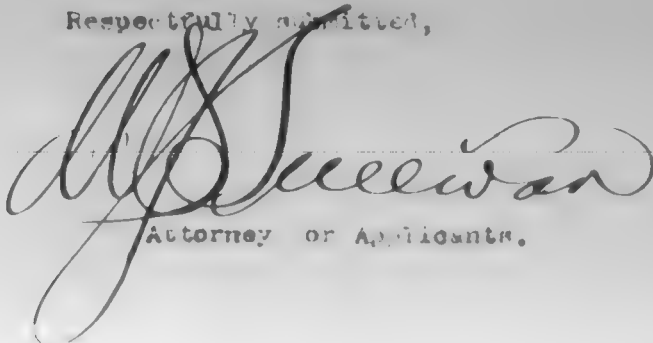
The Department erred in deciding that the domicile of the parent did not establish the domicile of the minor, or infant.

"An infant cannot of his own accord change his domicile,
"but it changes, while the father is alive, with the
"domicile of the father,-----"

A. & A. En. of Law, Vol. 5

From the foregoing assignments of error a rehearing is asked,
that a ~~summary~~ complete investigation of all facts be had

Respectfully submitted,


Attorney for Applicants.

IN THE MATTER OF THE APPLICATION OF DENNIS VANN ET AL.,
FOR ENROLLMENT AS CHEROKEE FREEDMEN.
CHEROKEE FREEDMAN DOUBTFUL

641.

MOTION TO REOPEN.
+++++

Comes now Dennis Vann, who being first duly sworn upon his oath doth say, that is an approved citizen of freedman blood, of the Cherokee Nation, that he is the father of Carrie and Mamie Vann, that Carrie is his lawful daughter by a former wife Charlotte, and Mamie is his lawful daughter by a former wife Eliza (Eliza).

Signe Dennis Vann

United States Court.
Western District.
Indian Territory.

Subscribed and sworn to before me this 27th. day of
July 1906.

Signe J. L. Martin
Notary Public.


My Commission expires

August 17th 1908

73.

F. D. 641

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 10 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 10 1901

Post Office

District COOWEE SCOWEE.

1. Name *Annis Vann*

Owner's name *Katie Vann*

Year *March* Page *186*

No. *3423*

District

Age *57*

Citizenship *Cherokee*

Parents:

Father

Citizenship

Mother

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

2. *Carrie Vann*

3. *Minnie*

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Application made by

No. 1

Year

Page

No.

Dist.

Stenographer

W. D. Green

Land, 3 affidavits of birth required

Proof of marriage to former wife required

Vinita

Indian Territory, 12/12 19

REPORT OF THE COMMISSION TO THE SEVE CIVILIZED

THAT one copy of the testimony is Dennis Vann, C.F.D. 641,

Taken Nov. 22, 1904.

Blair and Bulger 
Attorney for Applicant.

COPY.

D-641.

Muskogee, Indian Territory, October 15, 1904.

Dennis Vann,

Oatoosa, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your children, Harry and Mamie Vann, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to your return to the Cherokee Nation after the war of the rebellion; as to your residence since that time, and as to the residence of your said children since birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

W. B. Nesbitt
Commissioner in Charge.

Register.

COPY

Cherokee Freedmen,
D-441.

McKagoe, Indian Territory, October 15, 1904.

Blue & Bulger,

Attorneys for Dennis Vann, et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Dennis Vann, et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to his return to the Cherokee Nation after the war of the rebellion, as to his residence since that time, and as to the residence of his children since birth.

The said applicant has, therefore, this day been directed to appear before the Commission at its offices in McKagoe, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904, to introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register.

SIGNED: *T. B. Needles.*
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory at the time indicated, in the following Freedmen cases.

October 15, 1904.

Dennis Vann, et al., Cherokee Freedmen D-641.

November 21, 1904.

Arthur Vann, Cherokee Freedman 40.

nNovember 22, 1904.

Walker Johnson, Cherokee Freedman R-356.

Leah Brewer, Cherokee Freedman R-33.

Dennis Vann, Cherokee Freedman D-641.

November 23, 1904.

Orrena Williams, et al., Cherokee Freedmen R-329 and 328.

George W. Lynch, et al., Cherokee Freedmen D-731.

Frank Harnage, Cherokee Freedman R-178.

Lizzie Sanders, et al., Cherokee Freedmen D-1022.

Respectfully,

Encl. OG-6.

SIGNED

Tame Dixby
Chairman.

COPY.

Muskegee, Indian Territory, December 2, 1904.

Blue & Bulger, Attorneys,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony in the following Cherokee Freedman cases, taken at Muskegee, Indian Territory at the time indicated,

George V. Lynch, Cherokee Freedman D-731, November 23, 1904.

Frank Harnage, Cherokee Freedman R-178, November 23, 1904.

Walker Johnson, Cherokee Freedman D-356, November 22, 1904.

Dennis Vann, Cherokee Freedman D-641, November 22, 1904.

Respectfully,

Tamm Eddy
Chairman.

Encl. OG-9.

COPY.

Cherokee Freedmen
D-441.

Muskogee, Indian Territory, December 9, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on October 15, 1904, in the matter of the application for the enrollment of Dennis Vann, et al., as Cherokee freedmen.

Respectfully,

Incl. 8-70.

(SIGNED). *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-641.

Muskogee, Indian Territory, June 16, 1905.

Dennis Vann,

Catoosa, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated June 16, 1905, granting the application for your enrollment, and rejecting the application for the enrollment of your children, Carrie and Mamie Vann, as Cherokee freedmen, Commissioner C. R. Breekinridge dissenting in so far as said decision grants the application for your enrollment.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-107.
Register.

(SIGNED) T. J. P. Kirby

Chairman.

COPY.

Cherokee Freedmen

D-641.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Dennis Vann, and rejecting the application for the enrollment of Carrie and Mamie Vann as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting in so far as said decision grants the application for the enrollment of the said Dennis Vann.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-108.

(SIGNED) *James Dixby*
Chairman.

COPY

Cherokee Freedmen
D-641.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Dennis Vann, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, granting the application for the enrollment of Dennis Vann, and rejecting the application for the enrollment of Carrie and Mamie Vann as Cherokee freedmen, Commissioner C. R. Brackinridge dissenting in so far as said decision grants the application for the enrollment of the said Dennis Vann.

Respectfully,

(SIGNED) *Tams Birby*
Chairman.

Incl. 3-109.

Through the

Commissioner of Indian Affairs.

LAND:
47217-1908.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 28, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1908, transmitting the record of the application for enrollment as Cherokee Freedmen by Dennis Vann for himself and his minor children, Carrie and Mamie Vann.

June 16, 1908, the Commission decided favorably to Dennis Vann and adversely to the other applicants - Commissioner Breckinridge dissenting to the enrollment of any of the applicants.

The record shows that Dennis Vann was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he removed from the Cherokee Nation; and returned thereto on or before February 11, 1867. It is further shown that the minor applicants are the children of Dennis Vann and one Charlotte Vann, deceased, a non-citizen of the Cherokee Nation; that they were born in the State of Kansas and have continuously resided in that State; that it is not established that they are the legitimate offspring of the principal applicant and after ample opportunity they have failed to establish their

✓
-2-

right to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision favorable to Dennis Vann and adverse to the other applicants is recommended.

Very respectfully,

C. P. Larrabee,

Acting Commissioner.

M.M.H.
W.

-COPY-

DEPARTMENT OF THE INTERIOR,

J.W.H.

D.C. 22197.
I.T.D. 7942-1905.

WASHINGTON.

FHE.

May 28, 1906.

Y.P.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission to the Five Civilized Tribes forwarded the record in the matter of the application of Dennis Vann for the enrollment of himself and his children, Carrie and Mamie Vann, as Cherokee freedmen. By a majority vote rendered June 16, 1905, Commissioner Breckinridge dissenting, the Commission found that Dennis Vann was entitled to enrollment. The decision of the Commission of the same date was unanimous to the effect that the other applicants herein should be denied enrollment.

Reporting in the matter June 28, 1905, the Indian Office recommended that the decision favorable to Dennis Vann and adverse to the other applicants, be approved. A copy of its letter is inclosed.

The Department concurs in the recommendation of the Indian Office. It is evident that Dennis Vann was the slave of a Cherokee citizen; that he returned to the Cherokee Nation within the time prescribed by the treaty of 1866, and that he has continuously maintained a legal residence therein ever since.

Concerning the other applicants, the Department is not well satisfied that its decisions relative to the Ellis Grinnett and Ora Camp cases are wholly applicable to this case, or that they should govern in the disposition of it; nor is it considered that section 4182 of the General Statutes of Kansas, to which the Commission refers, should be relied upon to determine when the minority of said applicants ceased. It does appear, however, from the preponderance of evidence, that Carrie and Mamie Vann became of age, according to the Cherokee law, prior to September 1, 1902, while absent from the Cherokee Nation; that such absence has since continued and still continues; that since becoming of age they have done nothing whatever toward identifying themselves with the Cherokee Nation; nor does it appear that at any time prior thereto were they identified in any way with the nation, except through such constructive residence as they may have had through their father. Under such circumstances, it is considered that even if it can be admitted that they were Cherokee citizen at the time when they became of age, they voluntarily forfeited such citizenship.

For the reasons stated, the decision in favor of Dennis Vann and adverse to the other applicants is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

DEPARTMENT OF THE INTERIOR

J.V.H.

D. C. 21949.
I.T.D. 8409-1906.

WASHINGTON.

FHE.

L.R.S.

May 29, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed here, for report and recommendation,
a motion for review in the Cherokee freedman case of Dennis Vann,
et al. See sections 1 and 2 of the act of April 26, 1906 (Public
No. 129).

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedmen
D 641.

COPY

Muskogee, Indian Territory, June 9, 1906.

Dennis Vann,

Catoosa, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting your application and rejecting the application for the enrollment of your children, Carrie and Mamie Vann, was affirmed by the Secretary of the Interior, May 28, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of the Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

(CAND)

James Dixby.
Commissioner.

Cherokee Freedmen
D 641.

COPY.

Muskogee, Indian Territory, June 9, 1906.

Starr & Patten,

Attorneys for Dennis Vann, et al.,
Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application of Dennis Vann, and rejecting the application for the enrollment of Carrie and Mamie Vann, as Cherokee freedmen, was affirmed by the Secretary of the Interior, May 28, 1906.

For your information there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

M.A.

RECEIVED

Tamm Dixey
Commissioner.

Encl. A-97.

Cherokee Freedmen
D 841.

COPY.

Muskogee, Indian Territory, June 9, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application of Dennis Vann, and rejecting the application for the enrollment of Carrie and Mamie Vann, was affirmed by the Secretary of the Interior, May 28, 1906.

For your information there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

N.A.
Encl. A-96.

WOWEN.

Tamie Bixby.
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington.

D. V. F. 100,
I. V. A. 100-100.

July 7, 1901.

223

Commissioner to the Five Civilized Tribes,
Washington, Indian Territory.

Sir:

Receipt is acknowledged of your letter of June 4, 1901,
returning a notice for review filed by attorneys John H.
Folger and William H. Brown on the Cherokee Nation versus
Dennis Vann, et al. You recommended that this notice be denied.

For the reasons set forth by you, in which the Department
fully concurs, the notice referred to above is respectfully
is hereby denied.

Respectfully,

(Signed) George E. Wilson
Assistant Secretary.

1000

[illegible]

100

Shawnee
N. M. 64

Wenatchee, Indian Territory, July 29, 1906.

A. A. Harrison

Attorney for the Cherokee Nation,
Wenatchee, Indian Territory.

Dear Sir:

For your information there is enclosed herewith a
copy of Departmental letter of July 5, 1906, in which the
action taken November 7, 1905, for a review of the Cherokee
proceedings and a final determination of the same is stated.

Respectfully,

Commissioner.

W
S
S

Cherokee
P. D. 641.

Muskogee, Indian Territory, July 20, 1906.

Starr & Patten,

Attorneys for Dennis Vann et al,
Vinita, Indian Territory.

Gentlemen:

For your information there is inclosed herewith a
copy of Departmental letter of July 7, 1906, in which the
motion filed September 7, 1905, for a review of the Cherokee
Freedman Enrollment Case of Dennis Vann et al is denied.

Respectfully,

Commissioner.

JBN

Inc. M-46

Cherokee Freedmen
R 007

Muskogee, Indian Territory, August 30, 1906

W. J. Sullivan,

Attorney for Dennis Vann, et al.

Muskogee, Indian Territory.

Dear sir:

This office is in receipt, on July 27, 1906 of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Dennis Vann et al.

Said motion will receive the proper consideration of this office, and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, December 24, 1906

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed a "motion to reopen" the Cherokee Freedman case of Carrie and Mamie Vann, filed July 27, 1906, by W. J. Sullivan, Attorney for applicants, Muskogee, Indian Territory.

As the motion was not filed within the time limited by the Act of Congress approved April 26, 1906 (34 Stat., 137), it is forwarded to be filed with the records in the case, in accordance with Departmental decision of October 10, 1906 (I.T.D. 19650-1906), in the Cherokee freedman case of Minta Vann. Besides, the motion presents no question of law or fact not heretofore considered in connection with the case.

May 28, 1906 (I.T.D. 7942-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated June 16, 1906, adverse to Carrie

Secretary-3

and White Town. May 25, 1906 (I.T.D. 4407-1906), the Department forwarded for report and recommendation a motion for review of said cases; said motion was reported on by the Commissioner June 6, 1906, with a recommendation that the motion be denied, and the Commissioner's recommendation was concurred in by the Department and the motion denied July 7, 1906 (I.T.D. 11112-1906).

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. 3-4

Commissioner

K.S.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 6008-1907
I.T.D. 598-1907.
L.R.S.

January 25, 1907.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

On May 28, 1906 (I.T.D. 8449), Dennis Vann, the principal applicant, was enrolled as a Cherokee freedman, and his daughters, Carrie and Mamie Vann, were denied enrollment on the same date.

On July 27, 1906, a motion to reopen said claim for enrollment was filed by the attorney for the applicants. Proof of service of a copy of said motion on the attorney for the Cherokee Nation forms a part of said record.

The motion states that the Commission did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in article 9 of the Cherokee treaty of July 19, 1866, against the consideration of the reasons why a Cherokee freedman was not in the nation prior to February 11, 1867, and "the records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1895."

On May 28, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, favorable to the

principal applicant and adverse to his children, Carrie and Mamie Vann.

The records in this case show that Carrie and Mamie Vann forfeited whatever right they had to enrollment as Cherokee freedmen by their residence outside of the limits of the Cherokee Nation; nor does there appear to be any question of fact or law presented which was not originally considered which would justify a modification of the findings in this case.

Your office recommended that the motion for reopening in this case should be denied, which recommendation was concurred in by the Indian Office.

The Department also concurs and the motion filed in this case is denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Through the Commissioner
of Indian Affairs.

Thos Ryan
First Assistant Secretary.

7 inc. to Ind. Of.

Cherokee R
R 807.

Muskogee, Indian Territory, February 16, 1907.

Carrie Vann,

Catoosa, Indian Territory,

Dear Madam:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case, filed by your attorney W. J. Sullivan, Muskogee, Indian Territory, was denied by the Secretary of the Interior, January 25, 1907.

Respectfully,

Encl. HJ-86.
HJC

Commissioner.

Cherokee V
R 807

Muskogee, Indian Territory, February 18, 1907.

W. J. Sullivan,

Attorney for Carrie Vann, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Carrie Vann, et al., filed by you, was denied by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-87.
HJC

Commissioner.

Cherokee Y
R 207.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Carrie Vann, et al., filed by their attorney, W. J. Sullivan, Muskogee, Indian Territory, was denied by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-88.
HJC

Commissioner.

Carrie & Mamie Vann

RECEIVED

U. S. DEPT. OF INTERIOR

MAY 28 1906

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND, TER.



Sherokee Freed.

Subpoena.

Dennis Vann,

Dennis Vann
~~Fort Gibson,~~

Indian Territory.

Cher Fr R 808

Trans. from Cher Fr D630

Cher Fr R 808

73

J. D. Cook

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 8 1901

[Signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

JUN 8 - 1901

Date

Post Office

District

1. Name

Owner's name

Year

Page

No

District

Age

Citizenship

Parents:

Father

Mother

2. Name of wife

Owner's name

Year

Page

No

District

Citizenship

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

3.

Year

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Application made by

Stenographer

Tested and sworn to by [Signature] Clerk

9
F-2630
INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of SEP 18 1901

W. L. H. H. H. H. H.
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Robt. Webber
for enrollment as a Cherokee Freedman:

Case No. F. D. 630

To Robert Webber or Mellette & Smith his attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct. 14th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901 day of _____, 1901.

L. B. Bell
W. H. Hare
J. S. Davenport
Attorneys for the Cherokee Nation.

IX-10000

OCT 13 1901

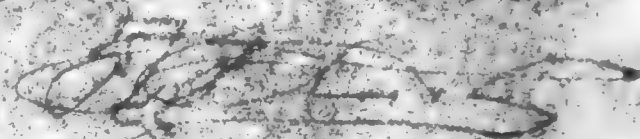
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OCT 13 1901

As J. W. Carson, being first duly sworn, states that he stands
rapier to the Commission in the civil trial, as previously
recorded the testimony and proceedings in this case, and that the
foregoing is a true and correct transcript of his statement.

J. W. Carson

Subscribed and sworn to before me this October 12th, 1901.



Commissioner

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OCT 13 1901

Exhibit B, P. 4630.

STATE OF ARKANSAS
COUSINS TO 10 CIVILIZED INDIANS
VIDUA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the indictment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation.

APPEARANCES:

Mr. Smith of Counsel for applicants.

Mr. Davisport of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows in part of Cherokee Nation:

MR. DAVISPORT: What is your name? A. Eliza Chandler.

Q. Where do you live, Mrs. Chandler? A. In Arkansas.

Q. How old are you? A. 64.

Q. Where were you living at the breaking out of the war?

A. Arkansas.

Q. Did you leave the State of Arkansas during the war and your
family? A. Yes, sir.

Q. Your father, what was his first name? A. Caldwine Butler.

Q. Did your father own any slaves at the breaking out of the war?

A. Yes, sir.

Q. Do you know whether or not he owned a son-in-law by the name of Mar-
garat? A. Yes, sir.

Q. Do you know she and afterwards married and lived with him his
wife? A. Yes, sir.

Q. When did she live with Mrs. Chandler? A. When Webster, he soon
by that name.

Q. Do you know what became of Margaret during the war? A. Yes, sir.

Q. Where did she go? A. He carried her to Texas with us.

Q. Well, after the close of the war what became of her? A. He
brought her back to Arkansas.

Q. You got back to Arkansas in what year? A. In '65.

Q. How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A. She only stayed a little
while, they moved up on Butler's creek.

Q. Butler's creek, Territory or Arkansas? A. Arkansas, at Dan
Tittles.

Q. Do you know what Mr. Tittles first name was? A. Dan.

Q. Did you know Bob Webster before the war? A. No, sir, I first
saw him in Texas.

Q. And he came down there while you were in Texas? A. Yes, sir.

Q. Did he come back with you and your family? A. Yes, sir.

Q. Was he with Margaret when they moved up on Butler's creek in
Arkansas? A. Yes, sir.

Q. About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A. It was in the winter of '65.

Q. Now, Margaret as I understood was owned by your father at the
breaking out of the war? A. Yes, sir.

Q. You don't know of your own knowledge who owned Bob? A. No, sir.

Q. Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A. No, sir.

Q. They were? Citizens when they returned from the south, were
they? A. No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A. Yes, sir.

Q. She was admitted to citizenship here I understood you to say
here in another case? A. Yes, sir.

Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November. I won't be positive.
 Q Not sure? A No, sir.
 Q Well, none of your family owned Robert Webber?
 A Did you know anything about him before the war? No, sir.
 Q You say after the war he was married to a woman named Margaret?
 A It was in time of the war that they came to our house in Texas.
 Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife then, was they? Yes, sir.
 Q After we came back.
 A Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.
 Q You mean the winter or in the year you returned? A Yes, sir.
 Q That was in '65? A Yes.
 Q How far from that place where they went to from where you lived?
 A About 35 miles.
 Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
 Q Lived right on the line? A Yes, sir.
 Q You don't know of your own knowledge where Robert Webber was during the year 1863? A Well, he made a crop up there on Butler's creek and then he moved back that summer down to Pa's, and then he came down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he came back and moved them down in the Nation. I reckon. I have seen her here since I have been in the Nation.
 Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.
 Q They were free then? A Yes, sir.
 Q They would go wherever they wanted to? A Yes, sir.
 Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
 Q Now, you don't state of your own knowledge either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN T. GUNTER, being duly sworn by Commissioner Haddles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John T. Gunter.
 Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
 Q How old are you? A 40.
 Q Where were you living at the time you were born? A Living in Benton County, Arkansas.
 Q Your father's name was Caldwine Gunter? A Yes, sir.
 Q Did your father own a slave, a woman, at any time by the name of Margaret? A Yes, sir.
 Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.
 Q What became of Margaret during the war, if you know, Mr. Gunter?
 A My father took her to Texas.
 Q How long did she stay there? A Until 1865 when we returned to Arkansas.
 Q Did you have her and the fellow by the name of Bob Webber?
 A Yes, sir.
 Q Did he and Margaret live together as man and wife? A Yes, sir.
 Q Where did you first see Webber? A Hopkins County, Texas.
 Q How long did he stay there? A He stayed there until '65, drove home back for my father.
 Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation at that time?
A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulphur Springs.

Q What place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the fall of '66, made a crop at Dan Tittler; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while, I don't know where he was, here in the Territory somewhere he said he was going.

Q That was the winter of '66? A Yes, sir.

Q What took place after that? A In the spring of '67, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged to? A Only that he told he; he said he belonged to the Webbers.

Q Margaret belonged to your father? A Yes, sir.

MR. SMITH: What Webber did he say he belonged to? A I don't know.

Q Was there an Akey webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now, you say, Mr. Hunter, Bob Webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and get her off of the grass; it was a young calf, he took them with him.

Q Robert Webber had made preparations to make up the Cherokee Nation before that? A I think he went to George Roach's on Barron Farm before that.

Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1860.

Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.

Q This man you speak of her having been with that was in slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q Who did Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we refuged.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?
A Yes, sir.
Q No marriage about it? A No, sir.
Q They were separated from each other by the exigencies of war?
A Yes, sir.
Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.
Q You never seen him? A No, sir.
Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he came with Dan Tittles and Jim.
Q Do you know whether the Pin Indians ever got him or not? A No, sir.
Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.
Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.
Q All you know about Robert whether is that he came to Texas?
A No, sir.
Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.
Q And you say she was brought up in the Cherokee Nation?
A Yes, sir, she was born and raised in the Cherokee Nation.
Q Was she in the Cherokee Nation when she married? A Married just across the line.
Q Living in the Cherokee Nation when she married? A Yes, sir.
Q And when she married your father went across the line of Arkansas to live? A Yes, sir.
Q During the time of the war did she claim to be a Cherokee Indian?
A Yes, sir.
Q Draw money? A Drew money in '53 I believe it was.
Q What money was that? A Old settler money.
Q Did she exercise any other rights of did any of your family before the war? A No, sir.
Q You didn't live in the Cherokee Nation? A No, sir; never except her mother and brothers and sisters, none of our immediate family.
Q But in the year 1880 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.
Q Mr. Gunter, can you state whether there were many or few of these Acts of Admission? A Admitting people to citizenship?
Q Yes? A Yes, sir, there were a great many.
Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.
Q That is she stated she had forfeited it, you don't know whether she forfeited or not? A That is her understanding.
Q MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.
Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.
Q Your father was not a citizen of the Cherokee Nation?
A No, sir.
Q MR. NEEDLES: What was your father's property was your mother's
A I don't know.

Con'r Needles: This testimony will be made part of the case at bar and made part of the record in D.#663, D.#628, D.#691, and D.#600.

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3-5-10
J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 19th, 1901.

[Signature]

Commissioner.

J. D. Roason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he certifies that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Roason

Subscribed and sworn to before me this November 5th, 1901.

[Signature]
Commissioner.

RECEIVED
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DEPARTMENT OF THE INTERIOR,
BUREAU OF THE FIVE CIVILIZED TRIBES,
WILKES, D.C., OCTOBER 19th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WESSER as a Cherokee Indian: Introduced on part of the
Cherokee Nation:

attestations:

Hollett & Smith, Attorneys for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. M. Tittle.

Q What is your post office? A Vanita.

Q How old are you? A 35.

Q Do you know Robert Wesser, the applicant in this case?

A Yes, sir.

Q How long have you known him? A Ever since about '63, '62 or '5

Q Did he ever be long to any of your family? A He belonged to
my father.

Q Where did your father live? A He lived in Benton County, Ark-
ansas.

Q Did your father move away from Benton County, Arkansas?

A No, sir.

Q Did they go south during the war any of your family, or do you
know? A My family stayed there, but we went south.

Q Well, what became of Rob during the war, if you know?

A We taken him south.

Q Well, did he come back? A Yes, sir.

Q Where did he go to? A Come up to our place.

Q Where was that? A In Benton County, Arkansas.

Q How long did he stay there with you? A He come there in the
fall of '66 and stayed until the fall of '66.

Q At that time where was your family residing? A In Benton
County, Arkansas.

Q How long had they been residing in Arkansas? A About 15 years.

Q Were they or were they not recognized citizens of the Cherokee
Nation? A Not then, we was outside of the Cherokee Nation then.

Q Well, after the close of the war you say you returned back to
your old home place, in Benton County, Arkansas? A Yes, sir.

Q Did you ever move back to the Cherokee Nation? A Yes, sir.

Q That year did you move back? A He come back in '67.

Q Were they recognized citizens of the Cherokee Nation or was there
some action taken to the establishing of right? A We had to es-
tablish a right; my father was admitted and remarried after he came
back to the Cherokee Nation.

Q Was it your father had the Cherokee blood or mother? A Mother.

COM'R NEEDLES: She was readmitted in 1867? A Yes, sir.

MR. DAVENPORT: Did your father marry again? A Yes, sir;
he married and went out and come back and married again.

Q Do you mean he was married twice according to the laws of the
Cherokee Nation? A He married and went off and come back and mar-
ried again.

MR. SMITH: Where did your father marry first? A In the
Cherokee Nation.

Q Married according to the Cherokee laws then? A Yes, sir.

Q Now, what year was that? A That was, that would be in '65 I
guess it would be.

Q About what year? A About 66 years ago, I would have to count it

up; it was in '46.

Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.

Q Now, then, when he married he was a citizen? A Yes, sir.

Q How long did he continue to live in the Cherokee Nation?

A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.

Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.

Q Your family all drew money in the old Settler's payment?

A Yes, sir.

Q In what year was that? A I think that was in '52; '1 or '2.

Q How long after that was it before you went into Arkansas?

A Right away after that.

Q How many years? A Oh, I guess probably inside of a year or such matter.

Q Where did you live in Arkansas? A Benton County.

Q How far from the line? A What line, Arkansas line or Missouri line.

Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.

Q What was your father's name? A Dan Tittle.

Q Who did your father get this man from? A Fellow by the name of John Grinnett.

Q When did he get him? A About '62.

Q Where did he get him from? A Down here about Kayesville.

Q Who is Grinnett? A He is said to be the owner of Bob, who he bought him from.

Q Where did Grinnett live? A He lived down there in the Nation somewhere.

Q He was a Cherokee, Grinnett was? A I don't know whether he was or not.

Q Did you ever know Grinnetts? A No, sir.

Q Well, do you know what date it was that he bought this man?

A I think it was in '62 I think.

Q It was after the war had commenced? A Yes, sir.

Q It might have been in '63? A It was in '62. Somewhere along there as well as I remember about it.

Q You think it could not have been as late as 1864? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grinnett and bought him.

Q It was either in '62 or '3 your father bought him? A Yes, sir.

Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.

Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs. Webber, and Mrs. Grinnett was daughter of Mrs. Webber.

Q What was Webber's name? A I don't know.

Q Did you ever know any Webber? A No, sir.

Q Akey Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.

Q Now, you claim that your father owned this man in '62 or 'w?

A Yes, sir.

Q Where did he own him? A Benton County, Arkansas.

Q Who lived near him when he owned him? A In the settlement there?

Q Yes. A The nearest fellow in the neighborhood was a man by the name of Wells, and Thomas.

Q Are they living there now? A I guess they are all dead now.

Q Does anybody but you know that your father owned this man?

A Yes, sir.

Q No. A Will Thompson, living at Wentonville, Arkansas, and

Eph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '86.

Q Well, it was a man named Grinnett that your father undertook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grinnett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And then did he come back to the Cherokee Nation?

A He came back in '87.

Q And was re-admitted? A Yes, sir.

Q And this party was not with him then? A No, sir.

MR. SMITH: Now, Mr. Little, you lived in Arkansas after you went out after the old Sattler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they kept hunting him.

COM'R NEEDLES: He refused over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Cove at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsay's prairie.

Q It is the regular district Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a Court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that, that was where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time was tried because he was living in the State of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVENPORT: This was a trial before a Justice of the Peace?

A I don't know, they had a trial and he come clear; I was a small boy, about five years old; there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

Com'r Needles: This will be made part of the record in the case at bar, and also D-628, D-663, D-691, D-680.

EXHIBIT A-101

J. O. Roeder, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

J. O. Roeder

Subscribed and sworn to before me this November 8th, 1901.



Commissioner

COMMISSION TO THE
FIXED
JUN 13 1902

Handwritten signature

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Robert Webber et al for enrollment as Cherokee freedmen.

SUPPLEMENTAL TO D-630.

APPEARANCES:

Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871, as appears of record in a book in part of the records of the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," under the head of Cooweescoowee District, and opposite No. 24, the following:

"Robert Webber, give no satisfaction, too late.
Decided against claimant June 18, 1871."

MR. SMITH: The applicant objects to the introduction of the above for the reason that the alleged judgment shows upon the face of it that it is no judgment at all, and because there is no showing that any step necessary to the rendition of a valid judgment was ever taken, and because the above quoted entry is all that there purports to be regarding any case of the Cherokee Nation against the said Robert Webber, and that the same is wholly insufficient in law to show any action which would be valid or binding, and because the Robert Webber named in said entry is not shown to be identical with the applicant herein, and because it is incompetent to prove any record of the Cherokee Nation in the manner and form sought to be used in this instance.

COMMISSION: Attention is here invited to the descendants of said Robert Webber, whose names appear upon the following Cherokee freedmen cards: D-628, D-629, D-630, and D-631.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 28th day of May, 1902.

[Signature]
Notary Public.

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...the agreement between the ... the ...
... is to ... and should ... the ...
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... in ...

1. The law of 1934, which was passed by the Congress of the United States, provided for the establishment of a Federal Bureau of Investigation (FBI) to investigate and prevent crimes against the United States. The law also provided for the establishment of a Federal Bureau of Prisons (FBI) to manage the Federal prison system.

The undersigned, _____, of the Commission to _____ the proceedings in the _____ and control _____ of the _____

RECEIVED BY THE DIRECTOR OF THE FBI

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1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

I, E. C. Maxwell, a stenographer,
have dictated this, on call at
a time and place of my own choice.

1. -) Economy.

W. A. R. R. R.

Filed 3 820

Department of the Interior
Commissioner of the General Land Office
Washington, D. C., May 31, 1902.

In the matter of the application of Charles Hayden for citizenship
as a Cherokee Indian.

Respondent appears by Mellette A. Smith, Cherokee Nation,
K. W. Hastings.

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Joseph Anthony, trustee for the Cherokee Nation, The Cherokee Nation,
No. 1200 filed in the Mariah Hayden case, U. S. D. No. 1200, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

U. S. D. No. 1200

By W. W. Hastings

Comes now the Cherokee Nation and objects to the intro-
duction of the decree therein. First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a dependent of such
a person. Second: Because the same is incompetent, irrelevant
and immaterial, and does not tend to prove an issue in this case.
Third: Because the Commission will take judicial knowledge of all
laws, treaties and decrees necessary for the determination of the
right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the records other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed as far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

CORRECTION



The preceding document(s) has been refilmed
to assure legibility and its image appears
immediately hereafter.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

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The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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(Signed) E. G. Rutenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Robert Webber,

Hayden, I. T.

Cherokee-F-7-330.

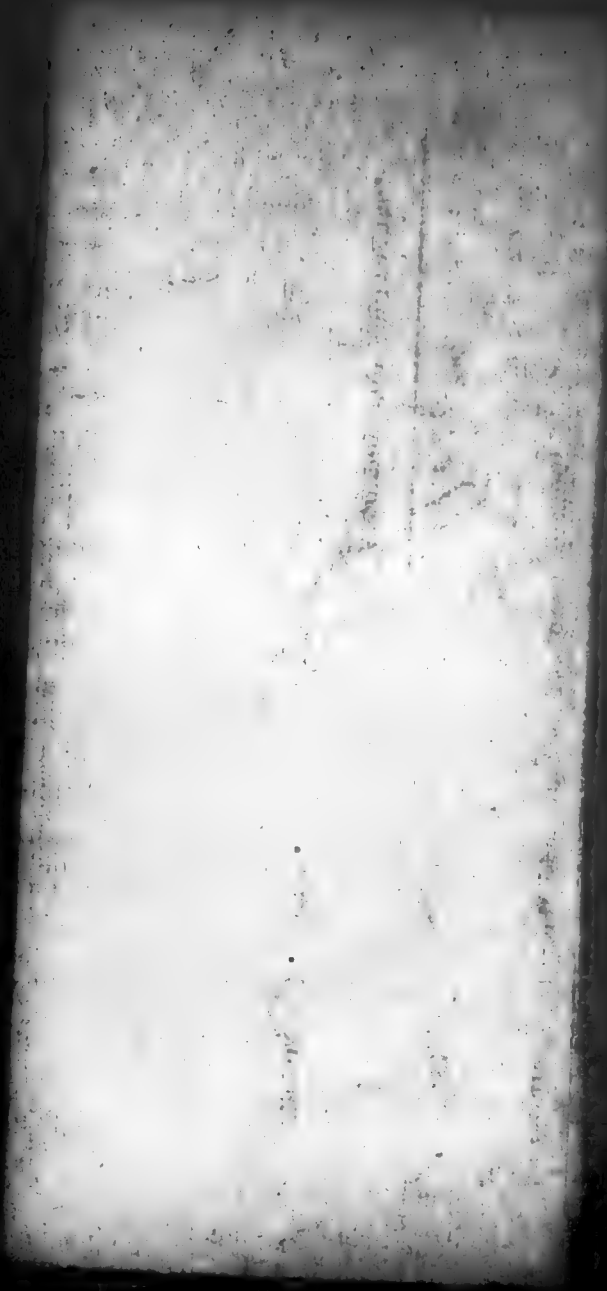
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



COMMISSIONERS
HENRY L. DAWES,
TAMM BERRY,
THOMAS B. HEDDLE,
C. R. BRACKETT

ALLISON L. AYLERWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the RE Supplementary testimony of June 11th, 1901,
in the matter of the application of Robert Webber et al for en-
rollment as Freedmen of the Cherokee Nation.

Wm W. M. M. M.

Attorney for Applicants.

Cherokee F. #D630.

COPY.

Sherokee Freedmen
D-223, et al.

Muskogee, Indian Territory, January 5, 1906.

Bell, Hastings &avenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1906, rejecting the applications for the enrollment of Becky, Louis Sr., Louis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Mita, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Hanley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (sons of Samie and Frank Webber), Ella and Samie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Hanley, Sidney West, Sabra McQueen, Sarah, Fin, Julia and Bessie Chatman, Evaline Jimison, Henry Caesar and Miss Rogers, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

-2-

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

SIGNED: *Tame Birby*
Chairman

Encl. H-6

COPY.

Cherokee Freedmen
D-630.

Muskogee, Indian Territory, January 26, 1905.

Robert Webber,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for your enrollment, and rejecting, among others, the application for the enrollment of your wife, Margaret Webber, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-9.

Register.

(SIGNED)

Tame Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-353 et al.

Muskogee, Indian Territory, January 26, 1906.

Eagar Smith,

Attorney for Etta Manley et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, granting, among others, the application for the enrollment of Robert Webber, and rejecting, among others, the applications for the enrollment of Etta, Alonso, Harvey, Freddie, Maynard, Howard, and Tessie Manley; Becky, Lewis Sr., Lewis Jr., Cera, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-17.

Register.

SIGNED: *Tams Dixby.*
Chairman.

COPY

Cherokee Freedman
D-353 et al.

Maskogee, Indian Territory, January 26, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 5, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Whitmire; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chatman; Evaline Jimison, Henry Caesar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alonzo, Harvey, Freddie, Maynard, Howard, Bessie, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Encl. L-19.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen

D-465, et al.

Muskogee, Indian Territory, March 24, 1906.

Preston S. Davis,

Vinita, Indian Territory,

Dear Sir:

In reply to your letter of March 21, you are advised the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, granting the applications for the enrollment of Sam, Josh and Robert Webber, Ella Whitaker and Kate Manley as Cherokee freedmen, was, on that date, forwarded to the Secretary of the Interior, where the case is now pending.

It is noted that you state you are attorney for these persons, and there are inclosed herewith notices to this office of attorney employed, which you are requested to have the applicants sign and return to this office and you will then be entered as attorney of record for them.

Respectfully,

Incl. 5-81

Acting Commissioner.

Cherokee Freedmen
0383 et al.

COPY.

Waukegan, Indian Territory, June 2, 1906.

Blue & Bulger,

Attorneys for Etta Wanley, et al.,

Raxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph ^WMalley, Sr., Etta Wanley, Alonzo Wanley, Harvey Wanley, Freddie Wanley, Waynard Wanley, Howard Wanley and Tessie Wanley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Wanley, Ida Wanley, Frank Wanley, Sarah Wanley, Lola Wanley, Joseph Wanley, Jr., Willie Wanley, Daisy Wanley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Mammie Chatman, Susie Whitmire, Julia ^WWebber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed
herewith a copy of Departmental decision referred to.

Respectfully,

Yours, truly,
H.A.

SIGNED: **Tamie Bixby**
Commissioner.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

Encls. 4-55.

Yds

Jane Birby

Secretary

Cherokee Freedmen
D 630

COPY

Muskogee, Indian Territory, June 8, 1906.

Robert Webber,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, May 31, 1906.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of the Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

M.A.

SIGNED:

Jane Dixby
Commissioner.

Cherokee Freedmen
D 630

COPY

Muskogee, Indian Territory, June 8, 1906.

Margaret Webber,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting, among others, the application for the enrollment as ~~Cherokee~~ freedmen of yourself, was affirmed by the Secretary of the Interior May 31, 1906.

Respectfully,

M.A.

..
JAMES D. DICKERSON
Commissioner.

Cher Fr R 809

See Cher D 1482

Cher Fr R 809

-COPY-

J.Y.Jr.

DEPARTMENT OF THE INTERIOR, LIE

D. C. 22788.
I. T. D. 9638-1906.

WASHINGTON.

June 1, 1906.

L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1906, you transmitted the record in the matter of the application for the enrollment as Cherokee freedmen of Anthony Crittenden, his wife, Jane Crittenden (by intermarriage), and their minor children, Josie, William, Lucy, Steve, and John Crittenden.

Reporting May 24, 1906, the Indian Office recommended that your decision, favorable to all the applicants, except Jane Crittenden, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated December 27, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

Land:
140-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905 transmitting the record of the application for enrollment as Cherokee Freedmen of Anthony Crittenden for himself, his wife, Jane Crittenden (by intermarriage) and their minor children Josie, William, Lucy, Steve and John Crittenden.

December 27, 1905, the Commissioner decided adversely to Jane Crittenden and favorably to all the other applicants.

The record shows that Anthony Crittenden is identified on the Cherokee authenticated tribal roll of 1880 and since that year and up to and including September 1, 1902 has continuously resided in the Cherokee Nation; and that the minor applicants are children of Anthony Crittenden, were born since 1880 and have continuously lived in the Cherokee Nation since birth. The evidence further shows that the applicant, Jane Crittenden, is a white woman and possesses no rights to enrollment as a Cherokee citizen other than those obtained by virtue of her marriage to Anthony Crittenden.

In view of the record the approval of the Commissioner's decision adverse to Jane Crittenden and favorable to all the others is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner

MM C

Cherokee
D 1482

Muskogee, Indian Territory, June 13, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1906, granting the application for the enrollment of Anthony Crittenden and children, Josie, William, Lucy, Steve and John Crittenden, as Cherokee freedmen, and rejecting the application for the enrollment of his wife, Jane Crittenden, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Inal.P-80
MMP

Commissioner.

Cherokee
D 1482

Maskogee, Indian Territory, June 13, 1906.

Anthony Crittenden,
Warner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, granting the application for the enrollment of yourself and children, Josie, William, Lucy, Steve and John Crittenden, as Cherokee freedmen, and rejecting the application for the enrollment of your wife, Jane Crittenden, as a citizen by intermarriage of the Cherokee nation, was affirmed by the Secretary of the Interior, June 1, 1906.

You are further advised that you will not be permitted to make allotment selection for yourself and children, until your names have been placed upon a schedule of Cherokee freedmen, and affirmed by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

YMC

Commissioner.

For 5000.00
Chas. L. 1482.

Cher Fr R 810

Trans. from Cher Fr D 751

Cher Fr R 810

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Thomas Lowrey for enrollment as a Cherokee Freedman.

Thomas Lowrey, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Thomas Lowrey.

Q How old are you? A My brother says about 47.

Q What is your post office? A Lenapah.

Q What district do you live in? A I can't tell you to save my life; Cooweescoowee I think.

Q Well, you apply to be enrolled as a Cherokee Freedman? A I guess so.

Q Well you guess so; this isn't a guessing contest; do you want to be enrolled or do you not want to be enrolled? A I want to be enrolled.

Q Who do you want to enroll besides yourself? A Nobody but myself.

Q Is your name on the authenticated roll of 1880? A No, sir.

Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace and the Kern roll I think.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 172, No. 4253, Cooweescoowee district, as Thomas Lowrey.

Q Have you got any witnesses as to your citizenship? A I can bring them.

Q Were you a slave? A Yes, sir.

Q To whom did you belong? A George Lowrey.

Q Was he a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war between the United States and the South? A Yes, sir.

Q Where were you taken to? A Fort Smith.

Q Where is that? A South of here I suppose.

Q You went South? A I can't say.

Q Is Fort Smith in New York or Louisiana? A I can't say how far it is.

Q Well, what state is it in? A In Arkansas.

Q When did you come back to the Cherokee Nation? A '66.

Q Where did you come to? A I came to Fort Gibson.

Q Who did you come with? A My aunt.

Q What was your aunt's name? A Judy.

Q Judy what? A They called her Judy Lowrey, I can't tell you the balance.

Q Where have you been living since? A Down here with my brother.

Q Where has your brother been living? A Down here on the Verdigris.

Q Where is that, the Cherokee Nation? A Yes, sir.

Q Have you lived there ever since '66? A Yes, sir.

Q Never lived out? A No, sir, he hasn't lived out.

Q Have you lived out; I am not talking about him? A I have worked mostly out myself.

Q Where? A Around Vinita.

Q Outside of the Cherokee Nation? A Sometimes.

Q Are you married? A No, sir.

Q Ever been married? A No, sir.

Q Got no children then you want to enroll? A No, sir.

Mr. Hastings, Cherokee attorney: Have you ever been in jail?

Thomas Lowrey - 8.

- A Yes, sir.
- Q Where? A Fort Smith.
- Q What for? A Being accused of introducing and selling whiskey.
- Q Where were you convicted? A I wasn't convicted at all.
- Q Turned loose down there? A Yes, sir.
- Q Accused of bringing whiskey into the Territory? A Yes, sir, Vinita.
- Q About how old were you when you came back to the Cherokee Nation after the war? A I can't say.
- Q Do you remember coming back? A Yes, sir.
- Q You never have been married? A No, sir.
- Q What year did Wallace make the roll? A I can't tell you that.
- Q What year did Kern and Clifton make the roll? A That was in 1896: I never could recollect any dates, I am a laboring man myself.
- Q Do you know what year you drew that money? A No, sir.
- Q Where did you live before the war; do you remember that? A Yes, sir, Sequoyah District.
- Q How far from Fort Smith? A I can't say.
- Q Well, who were your neighbors? A My neighbors, I can't tell you that, I think Aston Hicks, if I am not mistaken.
- Q Were you old enough to remember anything before the war? A No, sir, I don't.
- Q What was your owner's name? A George Lowrey.
- Q What family did he have? A Family: why just me and my brother and my aunt.
- Q Did he have a wife? A Yes, sir.
- Q What was her name? A I can't tell you that.
- Q Did he have any children? A Yes, sir, he had a number, a boy and a girl.
- Q What was their names? A I think the girl was named Mary if I am not mistaken, I think the boy is named Jim.
- Q Is Jim alive now? A I don't know, sir, I can't say.
- Q Did you ever see him after the war? A No, sir.
- Q Was he older or younger than you, Jim? A He is older than I am.
- Q About how old was he when the war came up? A I think he was close on to say 13 or 14.
- Q Don't you know about how far from Fort Smith, or what neighborhood, you lived in down there before the war? A No, sir, I can't tell you.
- Q Don't you know on what creek or close to what river? A I think they called it Lees Creek or something, if I am not mistaken.
- Q Was your master known as George Lowrey? A Yes, sir.
- Q Well, you claim to have come back with your aunt? A Yes, sir.
- Q Did your aunt belong to the same owner? A Yes, sir.
- Q Was your aunt the first one to get up after the war? A Came to Fort Gibson.
- Q That is the first place you landed? A Yes, sir.
- Q How did you live with at Fort Gibson? A I can't say to save my life, I can't tell you that.
- Q How long did you stay there? A I stayed there about, I think about a couple of years, maybe.
- Q And you don't remember who you lived with at all? A No, sir.
- Q And yet you can testify positively what year it was and yet you can't tell with whom you lived at that time? A No, sir.
- Q You were too young to remember with whom you lived? A Yes, sir.
- Q Where did you go to from Fort Gibson? A Came up here to my brother's after my aunt died.
- Q Up on Big Creek? A No Not on Big Creek, on Verdigris, on Snow Creek.
- Q What did you say his name was? A My brother, George Melton.
- Q Is that the first time you saw him? A Yes, sir.
- Q Well, how long did you stay with George Melton? A I stayed

Thomas Lowrey - 3.

there about six years, maybe a little longer than that, at Cherryvale; I waited on the table.

Q That up in Kansas? A Yes, sir.

Q How long did you stay there? A I guess about two months and a half.

Q Then where did you go to? A I came back to Kansas.

Q How long did you stay there? A I stayed there about two years I guess, to my brothers.

Q You lived in Independence a while? A I said yes, and I was going to say just about two months and a half.

Q What other place in Kansas did you live? A I lived nowhere that I know of.

Q Have you ever stayed in any other place in Kansas? A No, sir.

Q Did you ever work in any other place? A Yes, sir, I worked in Sedalia.

Q How long there? A About seven weeks.

Where else? A Fort Scott.

Q How long did you work there? A Three or four months.

Q Who did you ever work for in the Nation? A Bass, at the Cobb House hotel, at Vinita.

Q How long did you work there? A About two years, in and out.

Q Is that the only work you have ever done in the Nation? A No, sir.

Q Who else have you worked for? A Worked for George Boswell about ten or eleven years, right here in the Nation, a hardware man in Coffeyville.

Q What were you doing? A Working for him.

Commissioner: That was in Coffeyville? A No, sir, right here in the Territory; he lived at Coffeyville.

Mr. Hastings: You got a farm? A No, sir.

Q You never did have a home? A No, sir, just only my brother.

Q When have you been since the payment? A Been right here in the Nation.

Q What did you do when you first came back here after the war? A I can't tell, just worked I suppose.

Q You don't know who you worked for? A No, sir.

Q Nor who you lived with? A No, sir.

Q Nor what kind of a house you lived in? A No, sir, never noticed that.

Commissioner: You ever vote in the Cherokee Nation? A Yes, sir.

Q Ever vote in Kansas? A No, sir.

Q Sure of that? A Yes, sir.

Q What witnesses have you got not as to your citizenship, to prove all this stuff? got any witnesses? A Not here as I know of, my witnesses haven't come that I know of.

Commissioner: The as Lowrey applies for the enrollment of himself. He can't be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton roll. He makes averments as to his citizenship, but does not have any witnesses or proof, either as to his citizenship or as to his residence. Thomas Lowrey will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

Thomas Lerney - 4.

Bruce G. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 15th of June, 1904.



Commissioner.

ⓑ

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 18 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

June 8, 1901

Lenoir, N.C.

Bv

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
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Application made by

Stenographer

Ms. 1

B. C. Jones

1 On K.C. roll as Thomas Lowrey

SECRET
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1567

FILED
FEB 28 1961
COMMUNICATIONS DIVISION

Cherokee Freedmen
D-751

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 2, 1905.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Thomas Lowrey as a Cherokee Freedman.

On January 13, 1905, the applicant, Thomas Lowrey, was notified by registered mail, and on same date the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of the said Thomas Lowrey as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 2nd day of February, 1905, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time said case would be taken up for final consideration.

Now on this second day of February, 1905, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

---ooOoo---

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of February, 1905, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. M. Vance

Subscribed and sworn to before me this 28th day of February 1905

Michael White

Notary Public

Cherokee Freedman
D 781.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Thomas Lowrey as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 12, 1901, Thomas Lowrey appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee freedman.

After ample opportunity afforded it is not established by satisfactory evidence that this applicant possesses any rights to enrollment as a Cherokee freedman, and he cannot be identified on the Cherokee authenticated tribal roll of 1898.

Neither the letters addressed to the applicant by this Commission, requesting him to appear and submit further evidence relative to his rights to enrollment as a Cherokee freedman, nor the registry receipts accompanying same, have been returned, and it is presumed that they were received by him.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Elias Bryant, et al., (I.T.D. 844-04), William Buster (I.T.D. 1468-04), Minnie Dupree, et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 4296-04), Ed Williams (I.T.D. 4280-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 9056-04), the application for the enrollment of Thomas Lowrey as a Cherokee freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman

Committed over


Commissioner

Dated at Muskogee, Indian Territory,

this APR 24 1904

of *FD 721*

FILED
MAR 22 1902

[Signature]
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

*Thomas Lowrey
Lenah, 3*

(80) 751

Register

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,

Commissioners.

COPY.

Cherokee Freedmen
D 721.

Muskogee, Indian Territory, April 22, 1908.

Thomas Lowrey,

Hort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated April 22, 1908, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-1
Register.

(SIGNED). *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedman
D-931.

Muskogee, Indian Territory, April 25, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1906, rejecting the application for the enrollment of Thomas Lowrey as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-2

(SIGNED).

Tams Bixby.
Chairman.

COPY

Cherokee Freedmen
D 751.

Muskogee, Indian Territory, April 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Thomas Lowrey for enrollment as a Cherokee freedman, including the Commission's decision dated April 22, 1905, rejecting said application.

Respectfully,

Incl. B-3

(SIGNED):

James Bixby
Chairman.

Through the

Commissioner of Indian Affairs.

LAND.
31911-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 22, 1906, transmitting the record of the application for enrollment as a Cherokee Freedman of Thomas Lowrey.

April 22, 1906, the Commission decided adversely to the applicant.

The record shows that the applicant is not identified on the 1880 authenticated Cherokee roll but is on the Kern-Clifton. While afforded ample opportunity the applicant has failed to furnish any evidence to establish his application.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR, LEB
WASHINGTON.

G.R.

D.C. 23000
I.T.D. 4826, 8731-1905.

June 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of May 2, 1905, the decision of the Commission to the Five Civilized Tribes dated April 22, 1905, denying the application of Thomas Lowrey for his enrollment as a Cherokee freedman, is hereby affirmed, and a motion for review of said decision filed with the Department September 2, 1905, by Messrs. Blue & Bulger and McGowan, Scriven & Mohun, is denied.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jeane E. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D-751.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 15, 1906.

Thomas Lowrey,

Port Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior June 4, 1906, and the motion for review of said decision, filed by your attorneys September 7, 1905 is denied.

Respectfully,

Commissioner.

LMC

COPY.

Cherokee Freedmen
D-751.

Muskogee, Indian Territory, June 15, 1906.

Blue & Bulger,
Attorneys for Thomas Lowrey,
Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application of Thomas Lowrey for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 4, 1906, and the motion, filed by you for review of said decision is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED,

James D. Kirby,
Commissioner.

LMC
Incl. C-17

COPY.

Cherokee Freedmen
B-161.

Michigee, Indian Territory, June 13, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Michigee, Indian Territory.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application of Thomas Learty, for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior June 4, 1906, and the motion for review of said decision, filed September 7, 1905 by the attorneys for the applicant is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

James Dixby.
Commissioner.

LMC
Incl. C-16

COMMISSIONERS
THOMAS B. BERRY,
THOMAS B. WHEELER,
C. R. GOSWORTHY,
W. E. STANLEY

ALLISON L. ATLESDORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

POWER IN WRITING TO THE FOLLOWING

Cherokee Freedmen
B-751.

Muskogee, Indian Territory, September 10, 1903.

Thomas Lowrey,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony, other than your own, is required in support of your said application.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony tending to show your right to enrollment as a Cherokee Freedman.

Respectfully,

Chairman.

(COPY)

Cherokee Freedman
D-751.

Muskogee, Indian Territory, January 13, 1905.

Thomas Lowery,

Leapah, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony to corroborate your statement as to your ownership, your return to the Cherokee Nation after the war of the rebellion, and your residence since that time. This testimony is very essential to a disposition of your case.

You are therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, February 2, 1905, and introduce testimony touching the points above mentioned.

Respectfully,

Register

Tamr Bixby
Chairman

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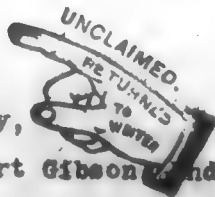
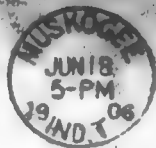
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Handwritten:
Jesse Lowery



Thomas Lowery,

Fort Gibson Indian Territory.

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Department of the Interior.
Commissioner of the Five Civilized Tribes,
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Thomas Lowery,

Lenapah, Indian Territory.

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General Office Cherokee civ
Advising that further testimony
is required in re. application
for enrollment.

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Thomas Lowrey,

Lenapeah, Indian Territory.

Return to writer

Penalty for private use, \$300.

OFFICIAL BUSINESS.

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Department of the Interior

Comptroller of the Public Debt

General Office Cherokee
Advising that further testimony
is required in re. application
for enrollment.

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Thomas Lowrey,

Lenapah, Indian Territory.

Department of the Interior

Commissioner of the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to
writer

Cher. Fr. R 811

Cher. Fr. R - 811

Trans. from Cher. F.D 496

COMMISSION TO THE CHEROKEE NATION
JUNE 11, 1891

A I know his grandfather brought him back from Canada to the Cherokee Nation.

Q What year? A '68.

Q Have you known him since that time? A Yes sir, I have known him ever since that time.

Q Has he always lived in the Cherokee Nation ever since that time? A Always while I knowed him.

Q How do you know his grandfather brought him back in '68? A Well I seen him.

Q Was you with him? A I was with him when he come.

Q You come in '68? A Yes sir.

W. V. Hastings: Who did you say his grandfather was? A Sam Webber.

Q Did you come back when Sam Webber come? A Yes sir, I came when he come.

Q Along with that same crowd? A Yes sir.

Q Sam Webber and old Sam Webber come? A Yes sir.

Q And you come when they come? A Yes sir, we all come together.

Q That was in the fall of '68? A Yes sir.

Q Was Joe a grown man then? A He was a young man then; he wasn't grown then.

Q Who was he living with when he come here? A He was living with his grandfather a while, and he quit his grandfather and went to his father's, Dave Ross, he was running then a ferry near Gibson there for a while after the war. I knowed his father.

W. V. Hastings of Applicant: Did you ever apply to the Cherokee Supreme Court for admission to citizenship? A No, sir.

Q Were you down before that Bob Daniels court? A No sir, didn't know anything about it.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereon.

Signed, F. G. Rothemberger.
this 4th day of June, 1891.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 17th, 1901.

In the matter of the application of Joe Ross for enrollment as a Cherokee Freedman; said Ross being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Joe Ross.
Q How old are you? A About 56.
Q What is your postoffice? A Chouteau.
Q In what district do you live? A Goo-wee-scoo-wee.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Are you a recognized Freedman of the Cherokee Nation? A Always have been.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Father is named Dave Ross.
Q Is he dead? A Yes sir.
Q How long since he died? A 27 years.
Q Give me the name of your mother? A Mother was named Louisa Ross.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A 40 years.
Q In what district were you in 1880? A Goo-wee-scoo-wee.
The 1880 Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
Q Have you been married? A Yes, sir.
Q Was your wife a Cherokee Freedman? A No, sir, she was a Creek.
Q Have you ever applied for enrollment to any other tribe or Nation? A No, sir.
Q Is your wife living? A Yes, sir.
Q What is her name? A Salina Ross.
Q You have never had her enrolled on the Cherokee rolls? A In bread times they enrolled her when they paid out that bread money.
Q Is she enrolled in the Creek? A Yes, sir.
Q Have you children? A Yes, sir.
Q How many children? A We have about eight.
Q Are they all enrolled as Creeks? A Yes, sir.
Q Did you draw Cherokee strip money? A Yes, sir.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 104, #2597, Joe Ross, Goo-wee-scoo-wee.
By J. S. Davenport, Cherokee Representative:
Q Now, to whom did you belong at the breaking out of the war?
A Akey Webber.
Q Where was she living? A Tahlequah district.
Q She lived at the Double Spring what is now the public high school?
A Yes, sir.
Q Who was living down there at the time? A I was quite small I don't know, old indian they called Bald Face Arch.
Q And they? A Eliza Hughes.
Q Who was living in Tahlequah at that time that you remember?
A Oh, a whole lot of them, old Johnson Thompson and a whole lot of them.
Q Johnson Thompson was living there at the breaking out of the war?
A Yes, sir, I seed him there.
Q Was he living there at the close of the war when you returned to the Cherokee Nation? A I returned here in Goo-wee-scoo-wee District.
Q When was the first time you saw Johnson Thompson at Tahlequah?
A About 1880 or '85.
Q Well, who else did you see or know at Tahlequah at the breaking out of the war? A I don't remember.
Q You were large enough to remember to whom you belonged?

A Yes, sir.

Q How old were you when the war broke out? A About nine years old.

Q Where did you go during the war? A Went to Kansas.

Q Up about what place? A Mound City, Lind County.

Q How long did you stay there? A About eighteen months.

Q When you came back where did you go? A Big Creek, Saline district, come back to Sam Webbers.

Q What year did you return? A 1866, July 9th.

Q You came back how long after the treaty was made? A I come back in 1866.

Q I say how long after the treaty was made when you came back?

A I was here when the treaty was read.

Q I aint asking you when the treaty was read? A It was read at Tahlequah.

Q You didn't know anything about the treaty when you came back to the Cherokee Nation? A I heard about the treaty.

Q Had you heard before you left Kansas that the treaty had been made? A I heard it was going to be.

Q Did you hear it was made? A I don't know; my grandfather said we had to come and Sam Webber and meet the treaty.

Q Sam Webber brought you back here to meet the treaty? A Brought me back home.

Q You came back to what point in the Cherokee Nation? A Big Creek.

Q To where Jim Martin lives? A Yes, sir, he come back after I come back.

Q When you left Big Creek where did you go? A Tahlequah district.

Q You left the Cherokee Nation and stayed about six years?

A No, sir.

Q Did you testify before the Kern-Clifton Commission? A Yes, sir.

Q You have never lived anywhere else except the Cherokee Nation since you came back? A I was over in the Creek Nation a time or two.

Q How long would you stay there? A Short time, I was over there preaching.

Q Who came back with you? A Sam Webbers, Dan Sanders, Mike Whitmire, Dennis Whitmire, he is right out here now.

Q The Dan Sanders that came back with you the one commonly called Tuck? A Yes, sir.

Q He lived up on Big Creek ~~xxxxxx~~ yet? A Yes, sir.

Q Mose Smith came back with you too, didn't he? A He come a little after I come back.

By Commissioner Breckinridge:

Q How comes you are ~~not~~ on the Roll of 1880? A They taken me to be a Creek negro at that time.

Q You applied to them for enrollment in 1880? A We was enrolled, I am on the 1880 census roll and the 1880 pay roll.

Q And then they struck you off because you were a Creek? A I suppose so, Mr. Keyes knows.

Q How comes you are not on the census roll of 1896? A I went to the postoffice there at Chelsea, Jack Riley and some of them was taking the roll and they would not enroll me.

Q Did they state why? A They said I was not on the 1880 roll.

Q Akey Webber to whom you say you belonged, she was a recognized citizen of the Cherokee Nation? A Yes, sir, I was her slave.

Q Is there some one here who came back with you in 1866?

A Yes, sir, Dennis Whitmire.

DENNIS WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Dennis Whitmire.

Q How old are you? A Well, I guess I am about 58.

Q What is your postoffice? A Heyden, I.T., Lightning Creek, Cherokee Nation.

Q How long have you lived in the Cherokee Nation? A Oh, I lived here all my life. A little time in the war I went away from here, but I have been living here all my life.

Q Do you know the applicant here, Joseph Ross? A Yes, sir, I know him.

Q How long have you known him? A I have knowed him ever since he come back here, it has been about 30 years I guess as near as I can recollect.

Q Where did you get acquainted with him? A Got acquainted with him up here where he lived on Big Creek.

Q Were you living there near where he come back? A I was living below there, but it was not over very far from where he was living, about seven or eight miles, I was often up there, saw him passing.

Q You were living there when he got back? A Yes, sir, I was living here on Lightning Creek when he got back.

Q How long had you been living there when you saw him after the war? A I had been living there as much as a year.

Q What time did you come back after the war? A I got back in 1866.

Q What time in 1866? A I could not just really tell you.

Q Was it in the summer? A In the fall of '66 when I come.

By J. S. Davenport, Cherokee Representative:

Q You saw him about a year after you got back? A Yes, sir.

Q And you got back in the fall of 1866? A Yes, sir.

Com'r Breckinridge: The applicant states that he was a slave in the Cherokee Nation at the breaking out of the Civil War, that he was carried to the State of Kansas during the war and returned in July, 1866. He is not identified on the roll of 1880, or on the roll of 1896, but he is identified on the Kern-Clifton roll. For the further consideration of the testimony as set forth in his case, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be communicated to him at his postoffice address. He is desired to supply the Commission with further evidence substantiating his claim that he returned to the Cherokee Nation in time to qualify under the treaty of 1866.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,
Subscribed and sworn to before me this 18th day of May, 1901.

Signed, C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

Supplemental testimony in the matter of the application of Joe Ross for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Joe Ross.

Q What is your age, Mr. Ross? A About fifty.
Q What is your postoffice address? A Chouteau.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A I have applied:
I want to put in additional testimony.

SAM WEBBER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sam Webber.
Q What is your age, Mr. Webber? A About 58.
Q What is your postoffice address? A Nowata.
Q Are you a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q Do you know Joe Ross, the applicant? A Yes sir.
Q How long have you known him? A Ever since he was born.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Aikay Webber.
Q Was he a Cherokee citizen - an Indian? A Yes sir.
Q Do you know whether Joe Ross was taken out of the Cherokee Nation during the war between the North and South? A Yes sir,
Q Where was he taken? A To Kansas.
Q Do you know when he returned to the Cherokee Nation? A In '66; he come with us.
Q And you returned in '66? A Yes sir.
Q Your name is on the roll of 1880? A Yes, sir.
Q Has he been living in the Cherokee Nation continuously since that time? A Yes, sir, I don't know him anywhere else.
By W. W. Hastings, Cherokee Attorney: You live on Big Creek?
A I did then; I live by Nowata now.
Q You come back to Big Creek in '66? A Yes sir.
Q How far is that from the mouth of Snow Creek? A It is, as near as I can guess at it, about fifteen miles.
Q Snow Creek empties into Big Creek? A No sir, runs into Verdigris.
Q And Big Creek empties into Verdigris? A Yes, sir.
Q You came down with your father and quite a number of your people, so you testified the other day, in the fall of '65? A Yes sir, came down on a hunt and went to Gibson.
Q You testified that your father and a delegation went up to see Chief Lewis Downing in the fall of '65? A Yes sir.
Q You are the same man? A I told you we went to see them. I don't know if I told you the time or not.
Q Well, about what time? A I don't know what time really; I went to Gibson and I never seen him any more until I went back to Kansas in March.
Q Didn't you say that was your business at that time at Gibson?
A I said father went to see him and when I seen him he said he saw Lewis Downing.
Q That is what you testified the other day? A Yes sir.
Q You didn't go back with your father? A No, sir, with Jesse Brown.
Q Is he alive? A No sir, he is dead.
Q Anybody else that is alive that went with you to Fort Gibson?
A No one that I know of.
Q Well, you testified that you spent the winter up here hunting on the Verdigris River? A Yes sir.
Q You were a witness in a good many cases, five years ago? A Yes sir.
Q You never thought to mention the fact that you spent the winter of '65 here then? A Nobody asked me.
Q You never mentioned it, did you? A No sir; I did speak to Mr. Keys about it privately.

Q I mean under oath? A No sir, I never said it then that I can tell.

Q Well, when was the second time you came down here? A The last part of July.

Q When did you move your family here? A In the fall.

Q What time in the fall? A I don't know for certain -- along in the fall.

Q Was it getting cold weather? A It was getting along in the fall; I don't remember the date.

Q Was there any families that had moved down before that time?

A No sir.

Q You were located on Big Creek then? A Yes sir.

Q That was the first crowd that came down? A Yes sir, the first crowd.

Q Late in the fall of '66? A Yes, sir, along in the fall.

Q Where did you get anything to eat? A They took pack horses and carried it from Fort Scott; when we didn't have anything we eat greens, and pork when we could get it.

Q You ate that in the winter - you ate pork salad in the winter?

A No, we ate wild game when we killed it.

Q Did you know John Kinney? A I knowed them after he come with the Delawares.

Q Who did you see up there in the winter of '65? A When we were hunting, the crowd was with me.

Q You belong to an association of colored people, or colored men - a protective association now, do you? A I belong to the K. P. lodge.

Q I mean colored people's protection up here, now don't you know? (No response)

Q Haven't you colored people up here organized into an association?

A I suppose they are organized, I live across the river.

Q You belong to them? A I joined them some time ago.

Q And you have been holding meetings here? A I haven't; I have been at home all winter with sickness, pneumonia.

Q Have you attended those meetings? A I went to one meeting. I met Dan Sanders and Rauben there.

Q Is that the last one you attended? A The last one I know anything about.

Q Who is president of that association? A I don't know who is.

Q You don't know who is Secretary? A No sir, I don't.

Q You don't know who the Executive Committee is? A No sir.

Q You swear positively that you attended but one meeting?

A That is all I know anything about.

LEWIS WHITMIRE, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lewis Whitmire.

Q What is your age, Mr. Whitmire? A I am about 62, as near as I know my age.

Q What is your postoffice address? A Hayden.

Q What district do you live in? A Oooveesooovee.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q Is your name on the roll of 1880? A Yes sir.

Q How long have you known Mr. Ross? A I have knowed him ever since I was quite a boy.

Q Was he a slave? A Yes sir.

Q To whom did he belong? A He belonged to the Webber family; that is all I know about it.

Q Do you know where he was during the war between the North and South? A He was with his grandfather during the war.

Q Where? A Part of the time in Kansas.

Q Do you know when he returned to the Cherokee Nation after the v

A I know his grandfather brought him back from Kansas to the Cherokee Nation.

Q What year? A '68.

Q Have you known him since that time? A Yes sir, I have known him ever since that time.

Q Has he always lived in the Cherokee Nation ever since that time?

A Always while I knowed him.

Q How do you know his grandfather brought him back in '68? A Why I seen him.

Q Was you with him? A I was with him when he come.

Q You come in '68? A Yes sir.

W. W. Hastings: Who did you say his grandfather was? A Sam Webber.

Q Did you come back when Sam Webber come? A Yes sir, I come when he come.

Q Along with that come crowd? A Yes sir.

Q Sam Webber and old Sam Webber come? A Yes sir.

Q And you come when they come? A Yes sir, we all come together.

Q That was in the fall of '68? A Yes sir.

Q Was Joe a grown man then? A He was a young man then; he wasn't grown then.

Q Who was he living with when he come here? A He was living with his grandfather a while, and he quit his grandfather and went to his father's, Dave Ross, he was running then a ferry near Gibson there for a while after the war. I knowed his father.

W. W. Hastings of Applicant: Did you ever apply to the Cherokee Supreme Court for admission to citizenship? A No, sir.

Q Were you down before that Bob Daniels Court? A No sir, didn't know anything about it.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, F. G. Rothenberger.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Sworn to and subscribed before me this 18th of August, 1901.


Commissioner.

File with Cherokee Freedmen D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Wichita, Kan., May 22, 1901.

In the matter of the application of Elizabeth Neiga for enrollment as a Cherokee Freedman, she being sworn by Commissioner C. E. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Neiga.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 31 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1838? A Yes sir.
Q How long have you been called Neigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Neigs? A Peter Neigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Stephen Daniel.

The 1890 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1890 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 173, No. 2658, Alice Sanders, Coowescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The 1896 Clinton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2532, Eliza Neigs, Coowescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir that was my name.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 132, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Maigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2748, Elizabeth Maigs, Coweogee district.

- Q Where were you during the civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webbers? A Aaron Webber.
- Q Did any one else come down? A I don't remember any one else now.
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '65.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all come back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I don't know who all come down. I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And, your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lumie Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except these that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q Your say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I dont know if he is or not.
 Q Some 5 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A I dont understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
 Q I mean in court? A That is what I am telling you.
 Q You know what a court is dont you? A Yes sir.
 Q What court do you know? A Kerns Clifton court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner G. R. Breckinridge, testified as follows on the part of the applicant.
 (Examined by the Commission).

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Ooweesawee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was.
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.
 Q Was that before the 1860 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1860 roll? A No sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1860? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1860? A No sir.
 Q Where did they take your name? A I was in Coosonock Bend, at the time.
 Q Do you know the applicant Elizabeth Hedges? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In '71 wasn't it? A Yes sir.
 Q Was any action taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long long after you got back before you married? A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A. A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and got his place, the heads of these families,

- Q Who else came with you? A My brother Dan and the Whitwires.
- Q Which ones? A Several.
- Q Which ones? A Howe and Bennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all came.
- Q The same when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I came in August.
- Q You didn't come in October then? Yes sir, I come when we first came, we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs Meigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October.
- Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some come back, some of us brought our things with us and some come to look out homes, we all come with the intention of making our homes here.
- Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
- Q What time in the winter? A Long in January.
- Q You mean in '37.
- Q No in the winter of '66.
- Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67. A I don't understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

- Q You say you first came here in August of '66? A Yes sir.
- Q That was your first coming was it? A Yes sir.

By Hastings:

- Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
- A This family is one, her, the Meigs Family, Peter Meigs, Elisabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
- Q I don't mean only of that family, there were other families were there not? A Old man Billie Forman.
- Q Who else? A He had several children.
- Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.
- Q Were any of the Webbers along? A Yes sir.
- Q Was man Sam and young Sam? A Yes sir; I would not pretend to tell them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

- Q Did old man Sam Webber come? A Yes sir.
- Q Did his son Sam come? A Yes sir.

Q Dont you remember any one else? A Rachel Tabor.

Q Do you think of any one else? A No sir.

Q You know that it was a mooted question before the Herns Clifton Commission as to who came at this time and as to when you came? A. I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I dont know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chatopa and came on west through the prairie? A We may have.

Q You were in Wagons? A Yes sir.

Q Were there any persons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.

Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 3 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother names William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Heigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Heigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~great~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Heigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his notes and of the notes thereof.

Subscribed and sworn to before me this 22nd day of May, 1901.

C. H. Green, Notary.

Notary.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy, they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, and he said I had to go up there, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Ravenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case. 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

SUPPLEMENTAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Neigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 30 past.
Q You gave testimony just now in the case of Elizabeth Neigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 30 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No I don't.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~gross~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I said.
Q You know now it was only a few days after Christmas? A Yes sir, few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Neigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

D. Green, born first day of November, 1868, at the residence of the late Green, in the town of Vinita, I. T., and was the witness in the case of Elizabeth Neigs, and the same is hereby certified to the Cherokee Representative, W. W. Hastings, for his use.

Witnessed and sworn to before me this 22nd day of May, 1901.

File with Cherokee Freedman D-391, Elizabeth

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Neigs et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davonport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that
sometime next week the applicant intends to introduce as wit-
nesses in this case, Aaron Wright, Reuben Sanders, Ben Sanders,
and Sam Webber, for the purpose of showing that all the appli-
cants in this case returned to the Cherokee Nation during the
time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous resi-
dence in this country since that year.

Commissioner: Well, that is all right.

ROBERT NEIGS, being duly sworn by Commissioner Needles, tes-
tified as follows.

Q. What is your name? A. Robert Neigs.

Q. Where do you live? A. I live five miles southwest of Tahlequah.

Q. What is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 56 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived
here all my life except a little while time of the war, from '64 to

Q. Did your people own any slaves before the war? A. Yes sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

A. No sir.
Q. Do you know whether or not they owned her mother, or anybody of
her family? A. Elizabeth, no, sir.

Q. Did you know Peter Neigs? A. Yes sir.

Q. What was his wife's name when the war broke out?

A. She was called Betsey.

Q. Was she living, Betsey, at the time the war broke out?

A. Yes, sir.

Q. Did you ever know her by any other name than Betsey?

A. No, sir.

Q. Where was Peter Neigs and his family at the breaking out of the

A. Well Peter was with us at home at the breaking out, but he
his wife was up there somewhere near the Dutch Hills on the
Georgia line.

Q. Well I wish you would look at that woman there and see if she is
the woman you knew as Betsey or Feltie or whatever you knew her by
(calling applicant) A. Yes, I think that is the one, I have
never seen her but once.

Q. That is since the war? A. I just saw her once in my life an

after the war.

Q. Did you ever see Peter Neigs and his family after the war?

A. Yes, I saw Peter.

Q. Where did you see him?
A. I saw him at the meeting of the
Cherokee Nation at the
Vinita, I. T., October 15, 1901.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. D. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs, et al. for
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Applicants:

L. T. Brown, agent for applicants;
L. P. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

By Bell: When did you come to the Cherokee Nation yourself after the war? A In '63.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 19th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Reij Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

H. R. Renter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. E. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
- Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
- Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
- Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
- Q When did the railroad first come through that country, Mr. Bell?
- A In 1871.
- Q You know this applicant, Sam Beck? A No, I don't know him.
- Q Don't know anything about him? A No, sir.
- Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
- A Well, I will tell you what I know about the railroad; The railroad came through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
- Q You don't know anything about the life of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Markham.
- Q Where do you live? A At Tahlequah.
- Q How long have you lived in the Cherokee Nation?
- A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

* Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

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I, A. R. Chapter, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. R. Chapter

Sworn to and subscribed before me this 7th day of August, 1902.

[Signature]
Notary Public.

To be filed with F. D. 496.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Neigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.

Q What is your postoffice? A Fort Scott, Kansas.

Q Do you hold any official position at the present time? A Yes, sir.

Q What is it? A County clerk.

Q Of the county in which Fort Scott is located? A Yes, sir.

Q Have you an official paper? A Yes, sir.

Q What is it? A Our official paper at the present time is the Republican but that changes you know from time to time.

Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.

Q What was it? A The Fort Scott Monitor.

Q Are you required to keep files of this paper in your office? A Yes, sir.

Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed, "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 28th inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Rigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Hadden, and P. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herley made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford. Two lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Gullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard the call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neill, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Mangrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, but before his trial came off the prosecuting attorney was unknown, and Mackey was discharged without trial. Not can he tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1887, as follows:

"Eli Mackey, colored, accused of the murder of Dr. Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, committed last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in a paper published from the Fort Scott Monitor of Wednesday, March 2, 1887, the following:

"A Chapter of Horror."

Murderer of Hayford Captured and Killed.

Tragical events connected with the capture and death of Eli Mackey.

The history of our community for the past few days has been filled with horrors, such as will, for long days to come, fill the hearts of our citizens with gloom.

A few weeks ago, we published an account of the capture of Eli Mackey, the black fiend, who last winter murdered Dr. Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 26th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton. E. J. Coe, who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gathered around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hayford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terribly afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always deprecated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully, generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Cox was brought into the city, and on Friday after a funeral sermon by Mr. Train was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of, it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Haycock.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.

Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.

Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.

Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.

Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.

Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.

Q Was he put in jail? A Yes, sir.

Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.

Q Of February following, of '87? A Yes, sir.

Q Well did he make his escape? A He got away.

Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.

Q Ed Coe was the turnkey was he? A Yes, sir.

Q I will ask you then if there was any searching parties out for this man? Yes, sir.

Q For how long? I think he was killed on the 20th of March.

Q From then about, the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.

Q Well were there quite a number of people out searching for him? A Yes, sir.

Q Considerable excitement at that time? A Yes, sir.

Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.

Q Up until that time? Yes, sir.

Q You say that was for about three weeks? A Yes, sir, something over three weeks.

Q From the 26th of February up until about the 20th of March? A Yes, sir.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee darky or not? A Yes, sir, he was.

Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.

Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.

Q Houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.

Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.

Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.

Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured, was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.

Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-210, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-381, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip G. Reuter
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 3, 1901.

In the matter of the application of Joe Ross for the enrollment of his sister, Glora Grayson, and her grandchild, Gertrude Grayson as Cherokee Freedmen; said Ross being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Joe Ross.
Q What is your age? A Fifty.
Q What is your postoffice address? A Chouteau.
Q You apply for the enrollment of your sister? A Glora Grayson.
Q How old is she? A She is two years older than I am.
Q How old are you? A Fifty; she is 52.
Q What is her postoffice? A Satoosa.
Q What district does she live in? A She is living in the Creek Nation.
Q Is she a recognized citizen of the Cherokee Nation? A Yes sir, always has been.
Q You apply to have her enrolled as a Cherokee Freedman? A Yes sir.
Q Is her name on the roll of 1880? A No sir.
Q Is she married? A No sir.
Q Was she ever married? A Yes sir.
Q What relation is she to you? A A sister, a full sister.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A Aikey Webber.
Q Was Aikey Webber a Cherokee citizen? A Yes sir.
Q Was Glora, your sister, taken out of the Cherokee Nation during the war between the North and South? A Yes sir, she went out when I did.
Q Was she with you in Kansas? A Yes sir.
Q When did she return? A The same time I did.
Q Were you and she together during the time you were in Kansas? A Yes sir, she returned the same time I did.
Q How long has she been living in the Cherokee Nation? A She lived in the Cherokee Nation about 15 years to my knowledge.
Q After she returned? A Yes sir.
Q Then where did she live? A She went into the Creek Nation with her husband, George Grayson.
Q Is she in the Creek Nation now? A Yes sir, but since her husband died I have been taking care of her.
Q Why isn't she here? A She is old and blind; she can't see.
Q Did she ever apply to the Creek authorities to be enrolled as a Creek citizen? A No sir, not that I know of.
Q You are satisfied she has never been enrolled as a Creek citizen? A Not to my knowledge.
By V. V. Hastings, Cherokee Attorney: When did her husband die?
A He has been dead about 18 years, as near as I can remember.
Q Is this woman older or younger than you? A She is older.
Q Was she married when she came back with you? A No sir.
Q How much older than you? A About two years.
Q She came along as you come? A Yes sir.
Q She was married but the one time? A That was all.
Q She lived in the Cherokee Nation until she married? A Yes sir, she had some children, Selamel, and the mother of the child I want to enroll is dead, and I am guardian for it. Its name is Gertrude Grayson.
Q How old is Gertrude Grayson? A She is about nine years old.
Q What is Gertrude Grayson's father's name? A I don't know its father.
Q What is its mother's name? A Louisa Grayson.
Q Is her mother living? A No sir, she is dead.
Q Was Louisa Grayson, a Cherokee citizen? A Yes sir.
Q How long has she been dead? A She has been dead about two years.
Q Is her name on any of the rolls of the Cherokee Nation? A She is on the Clifton and Earn Roll.
Q Where was Louisa Grayson born? A She was born in the Cherokee

Nation, in Illinois District.

Q Where was Gertrude born? A She was born over in the Creek Nation.

Q Do you know where she ever applied as a Creek or not? A Not to my knowledge.

Q Was her father a Creek? A Yes, I don't know who Gertrude Grayson's father was, but Louisa Grayson's father was a Creek.

Q You don't know then whether Louisa ever applied to be enrolled as a Creek citizen? A No sir, not that I know.

Q Or Gertrude? A Not that I know of.

Q And you don't know that she has not? A No sir, I don't.

By V. V. Hastings: She was born in the Creek Nation? A Yes sir.

Q She has always been recognized as a citizen of the Creek Nation? A Not to my knowledge.

Q Do you know that she hasn't? A I know that they have been in my charge for years.

Q Do you know that she hasn't been recognized as a Creek? A I know she hasn't.

Q Do you know she has not drawn over there with them? A Not to my knowledge.

Commissioner Needles: Are you the legal guardian of Gertrude Grayson? A Yes sir.

Q Appointed by the Court? A Yes sir, by Judge Starr.

Q By the Cherokee Court? A Yes sir.

V. V. Hastings: How old did you say she is, Gertrude Grayson?

A I think she is about nine years old.

Commissioner Needles: Now, Mr. Ross, have you got any proof that you want to present as to the citizenship of Clara Grayson? A I guess that is all.

Q Her citizenship is the same as yours? A Yes, we both went out together and come back together. The same as mine.

The 1880 authenticated roll and the 1896 census roll examined and the names of the applicants not found thereon. The Kerns Clifton Roll examined and the names of the applicant, their deceased daughter, are found thereon as follows:
Page 104, No. 2805, Clara Grayson, Coowescoowee Dist.
Page 104, No. 2806, Louisa Grayson, Coowescoowee Dist.

Q You didn't draw strip money for this child? A Yes sir, I drew for her.

Q Could this child have gone by any other name besides Grayson?

A She might be there as Foster. I didn't know her father, but I heard his name was Foster; they weren't married.

Q Louisa was the daughter of your sister Clara? A Yes sir.

The Kern Clifton Roll examined for the name of the child and her name is found on Page 100, No. 2501, Gertha Foster, Coowescoowee District.

The applicant applies for the enrollment of his sister, Clara Grayson, and a grand-niece, Gertrude Grayson. Their names can't be identified upon the authenticated roll of 1880 or the census roll of 1896. The name of Clara Grayson is identified upon the Kern Clifton Roll as Clara Grayson, and the name of Gertrude is identified upon the Kern Clifton Roll as Gertha Foster. He avers that Gertrude Grayson is the child of Louisa Grayson, and that Louisa Grayson is the child of said Clara Grayson. He gives satisfactory reasons why the said Clara Grayson is not present. They are duly identified and make satisfactory proof as to residence, and reference is made herein to the testimony taken in the case of Joe Ross, who was enrolled as a Cherokee Freedman upon Boufford Card No. 150; the testimony in said case will be made a part of the record in the case of the application for said Clara and Gertrude Grayson; a copy thereof will be filed with the testimony taken in the case at bar.

2-7-1.

By E. S. Hastings:

Attention is called by the representative of the
Sherman Nation that these parties may be enrolled in the
(Greek Nation.)

The undersigned, being duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes, he correctly re-
corded the testimony and pre-ceedings in this case, and that the
 foregoing is a full, true and correct transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this 6th day of June, 1901,


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I. T., JUNE 2nd, 1901.

In the latter of the application of Edward Wright for the enrolment of himself as a Cherokee Freedman, said Wright being sworn, and examined by Commissioner D. B. Hastings, testified as follows:

APPEARANCES:

Mr. E. B. Lawson, Attorney for Applicant.
Mr. W. F. Hastings, Cherokee Representative.

Q What is your name? A Edward Wright.
Q What is your age? A I was born in 1849, about 52.
Q What is your post office? A Hayden.
Q What district do you live in? A Coowesscoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you wish to enroll besides yourself? A Myself alone.
Q Is your name on the roll of 1890? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Kern-Clifton roll.

The 1890 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, age, 128, #3038, Edward Wright, Coowesscoowee District.

BY MR. LAWSON:

Q Where were you born? A I was born in Tahlequah District.
Q Cherokee Nation? A Yes, sir.
Q How old are you? A I call myself about 53 years old.
Q Were you a slave? A Yes, sir.
Q Were you a slave at the breaking out of the war? A Yes, sir.
Q Who was your owner? A Eli Wright.
Q Was he a Cherokee? A Yes, sir.
Q Where did he live? A In Going Snake District.
Q What was your mother's name? A She went by the name of Katie Whitmire is the name she went by when she died.
Q What is her name now? A Katie Whitmire.
Q Is she the wife of Moses Whitmire? A Yes, sir.
Q Who owned her at the breaking out of the war? A James Walkingstick.
Q Was your mother a slave at the breaking out of the war? A Yes, sir.
Q Does your mother's name appear on the 1890 roll of authenticated Freedmen? A Yes, sir.
Q Under what name? A Katie Whitmire.

The 1890 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon, page 199, #5207, Kate Whitmire, Coowesscoowee.

Q Did you leave the Cherokee Nation at the breaking out of the war, or during the war? A Yes, sir.
Q With whom did you leave? A I went with Billie Whitmire to Kansas.
Q When did you return to the Cherokee Nation? A In the fall of '86.
Q Fall of 1886? A Yes, sir.
Q With whom did you return? A With Moses Whitmire, my stepfather and Lewis Whitmire and Billie Whitmire and Nelson Whitmire.

Hewart Wright. -- 2.

- Q Was your mother in the crowd that returned with you? A Yes, sir.
Q And that was in the fall of 1868? A Yes, sir.
Q Have you been living in the Cherokee Nation since '68? A Yes, sir.
Q Have you lived any other place since then? A No, sir.
Q In what part of the Cherokee Nation have you been living?
A Living in Cooweescoowee, on Salt Creek.
Q Have you been living in that neighborhood ever since you returned to the Cherokee Nation? A Yes, sir.
Q How many times have you been married? A Twice.
Q Did you have any children by your first wife? A Yes, sir, had three.
Q And the names of any of those children on the roll of 1867?
A One of them by the name of David.
BY COUNSEL REEDER:
Q Dave what? A I think he was Dave Whitmire.
BY MR. LAWSON:
Q How old would he have been on the roll of 1867? A About two years old.
Q Was he living with Moses Whitmire and Katie Whitmire at that time?
A Yes, sir.

The 1860 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's son found thereon, page 199, #3202, Dave Whitmire, Cooweescoowee.

- Q Were any of your other children by your first marriage on the 1860 roll? A No, sir, I think their mother is on the 1860 roll.
Q But the children were left off? A Yes, sir.
Q With the exception of this one? A Only one, left off, one boy.
Q What was your boy's name that was left off the 1860 roll?
A John Henry.
Q Was John Henry a full brother of this David you have just mentioned?
A Yes, sir, if it appear on any roll it will be John Wright.

The 1860 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of John Henry Wright not found thereon.

- Q Your present wife and children have been enrolled as Freedmen have they not? A Yes, sir, they have been enrolled.
Q How long were you out of the Cherokee Nation during the war, Ed?
A I don't know exactly, I know I went to Kansas in '63 and remained there until '66, I think it was 1863 when I.
Q Prior to the time you left in 1863, or you were taken away in 1863, where did you live? A I lived in Fort Scott, Bourbon Co., Kansas.
Q I say prior to the time you went away. A Do you mean here in the Cherokee Nation?
Q I asked you where you lived? A I lived in Going Snake District.
Q From the time you were born up to the time you were taken out in 1863? A Yes, sir.
Q Did you and your mother belong to the same master? A No, sir, she belonged to James Walkingstick and I belonged to Eli Wright.
Q How did that come? were you sold? A Yes, sir, sold or attached or something. First man I lived with was Andy Griffin and somehow I was attached, I was sold off and lived with another man, and James Walkingstick I think bought her.
Q Were you living in the Cherokee Nation in 1860? A Yes, sir.

Edward Wright. -- 3.

Q Why were you not enrolled on the 1880 Roll? A I don't know sir; my stepfather made application to the Court at Tahlequah, Bob Daniels Court, I think, and him and my mother was admitted and he and my uncle that was enrolled at Chelsea there rejected, paid Mr. Bill Boudinot \$25 in defense and he never got us on the roll and my mother's name appeared on the roll.

BY MR. HASTINGS:

Q What town in Kansas did you go to? A Fort Scott.

Q What did you do up there after the war was over, what kind of work? A I worked for the government up there about six or eight months with the chain gang.

Q That was after the war was over? A During the war.

Q Who did you live with up there just after the war? A I lived with my mother.

Q Was Moses Whitmire up there, your stepfather? A Yes, sir.

Q When did they marry, during or just after the war? A They have been living together ever since I was a little boy four or five years old, away before the war.

Q What time did you come back down here? A In the fall I think.

Q Was it in cold weather? A Yes, sir.

Q Now who was along when you come back? A Lewis Whitmire, and Dennis Whitmire and my stepfather and Nelson Whitmire and Land Whitmire is about all.

Q Did you go back to Kansas after that? A No, sir.

Q Did you have any home down here when you come? A Yes, sir, the old man had been down and built, I believe.

Q Before that? A Yes, sir.

Q And then you come down afterwards? A Yes, sir.

Q How many times had your stepfather been out here before you come? A I don't know exactly, I think it was one or two trips.

Q Did you come when your mother did? A Yes, sir.

Q Had your mother been down here either of those other trips? A No, sir.

Q You lived right up there with her? A Yes, sir.

Q Where were you married the first time? A I was married on Lightning Creek.

Q Over here near Salt Creek? A Yes, sir.

Q Do you know Cal Coker? A Yes, sir, I know one Coker, acquainted with him.

Q Did you know him when he come? A I knowed old man Coker.

Q What other Cherokees were living over there about Goodys Bluff? A I don't know, Charley Hicks.

Q Was he living over there at that time? A Yes, sir.

Q How far did you locate from old man Coker and Charley Hicks? A About five miles north.

Q Did Charley Hicks have a wife? A Yes, sir, had a woman and one adopted child.

Q What was the girl's name? A I don't know, she was a Creek girl he was raising.

Q Well Charley Hicks was living over there when you come down? A I think he was or lived over there directly afterwards, come from Tahlequah.

Q Where did you make your first drop after you come down? A Right where I am living now.

Q Do you live with your stepfather yet? A No, sir, I am living to myself then.

Edward Wright. --4.

Q You were not giving to yourself then? A No, sir.

Q Did you make a crop on the same place where you are living now?

A I don't know whether we made a crop the first year, there wasn't any plows to make a crop the first year we come here.

Q Did Lewis come down with you? A Yes, sir.

Q Was he married at that time? A I don't think he was.

BY MR. LAWSON:

Q Where did Moses Whitmire live now? A He lives on Lightning Creek.

Q Well did he ever live at the place where you live? A Yes, sir.

Q Moved away and give it to you? A Yes, sir.

Q Have you been living there ever since? A Yes, sir.

MOSES WHITMIRE, being first duly sworn by Commissioner Needles, testified as follows: BY MR. LAWSON:

Q State your name? A Moses Whitmire.

Q Are you on the 1880 roll, authenticated citizen? A Yes, sir.

Q Are you acquainted with Edward Derrick, or Edward Wright? A Yes, sir.

Q By which name is he known? A Ed Wright we called him.

Q He goes sometimes by the name of Edward Derrick? A Yes, sir, that is his father's name.

Q What relation, if any, are you to Edward Wright? A Not any, he is my steppson.

Q Your wife's son? A Yes, sir.

Q What is the name of your wife? A She is named Katie.

Q Is she on the 1880 roll? A Yes, sir.

Q Under what name? A Katie Whitmire, I guess, or Katie Walkingstick, she is dead.

Q When did she die? A About a year last September, little over a year.

Q Where did you marry her and when? A I have lived with her, oh, I don't know how long, could not tell you hardly.

Q Before the war? A Yes, sir, long before the war, sometime before the war, not so long.

Q To whom did this Edward Wright belong or was he a slave before the war? A Eli Wright.

Q Did he belong to Eli Wright at the breaking out of the war?

A Yes, sir.

Q Did you ever see Edward Wright before the war? A Yes, sir.

Q Well where was he living? A He was living up in Going Snake District when the war come up.

Q Where were you living? A I was living down on Barren Fork.

Q About how far away? A About 12 or 13 miles.

Q Were you living with his mother? A Yes, sir.

Q Do you know whether or not Ed Wright left the Cherokee Nation during the war? A Yes, sir.

Q Where did he go? A He went up to Fort Scott, Kansas.

Q How do you know he went up there? A I went up the same time, pretty much. I didn't go up there at the same time, I got hold of him in the war and took him with me.

Q Where did you get hold of him in the war? A At Hayesville, (Arkansas).

Q You say you got hold of him what did you do with him? A Kept him until I brought him down here.

Q Where did you keep him? A Fort Scott, Kansas.

Q When did you bring him down to the Cherokee Nation? A In '66 when he moved with my family.

Q Who else was in the crowd that come down with you? A There was

- a lot of the, Lewis Wright and Dennis and I moved.
- Q Where did you move to when you moved? A Down here on Salt Creek.
- Q Did Ed Wright live with you? A Yes, sir.
- Q How long did he live with you? A I don't know exactly how many years, until he married and I gave him the place he lives on now.
- Q Is he living on the first place you lived on? A Yes, sir.
- Q And that was in the fall of '66? A Yes, sir.
- Q Where has Ed Wright been living ever since the fall of '66? A Right there.
- Q Where? A Salt Creek.
- Q Cherokee Nation? A Yes, sir.
- Q Where did he live before the war and up to the time he left during the war? A He lived up in Snake District, Eli Wrights his master.
- Q Ever live any other place up to the time he left here? A Yes, sir.
- Q You knew him from the time he was a little boy? A Yes, sir.
- Q You know he was a slave? A Yes, sir.
- Q Was his mother a slave? A Yes, sir.
- Q Were you a slave? A Yes, sir.
- Q Did you know Ed Wright's wife, or did you know Ed Wright's wives? A Yes, sir.
- Q How many times has he been married? A Twice now I guess.
- Q Did he have any children by his first wife? A Yes, sir.
- Q What are the names of the children? A Dave and John and I forget the girl's name that died.
- Q Are any of these children on the roll of 1860? A Well Dave ought to be.
- Q Is John? A No, sir.
- Q Was Ed Wright living in the Cherokee Nation in 1860? A Yes, sir, living right up to now.
- Q Do you know Miss Ed Wright's name does not appear on the roll of 1860? A No, sir, I don't.
- Q Can you give any excuse for his not appearing? A No, sir; I know when I went down to enroll I took him and Malinda's name down.
- Q Who is Malinda? A My wife's youngest.
- Q Did you enroll for Ed at that time? I was trying to enroll for him, yes, sir; he was in my family and under age.
- Q You enrolled your wife at that time and it was your intention and you thought you were enrolling Ed? A Yes, sir, I give in their names.
- BY MR. HASTINGS:
- Q Uncle Jesse you employed a lawyer for Ed at that time? A Yes, sir.
- Q Mr. W. P. Boudinot? A Yes, sir.
- Q You paid him? A Yes, sir.
- Q You told him and the court when he got back? A Yes, sir.
- Q That was all fresh on your mind? A Yes, sir.
- Q You didn't have any trouble getting your wife on the roll? A No, sir.
- Q You didn't have any trouble getting yourself on? A No, sir.
- Q You told them when you came back? A Yes, sir.
- Q And your wife? A Yes, sir.
- Q And told them when your children came back? A Yes, sir.
- Q And they enrolled you and your wife? A Yes, sir.
- Q That was a short time after you came back? A It was some time after we came back, not very long though.
- Q It was all fresh on your mind at that time? A Yes, sir.
- Q That was Miss Wright's name? A Mary.

Edward Wright. — 6.

Q What was her first name, Mary what? A Mary Backhead they called her.

Q Where were they married? A Married on Lightning Creek.

Q They were married before 1837? A Yes, sir.

Q She was a Cherokee Indian maiden, was she? A Yes, sir.

Q She is dead? A Yes, sir.

Q She died before 1837? A Yes, sir.

Q And this Dave that is enrolled is her child? A Yes, sir. That is her child, but I told the assessor about it and she gave it to my wife to raise as her child.

Q And you give it in as your child? A Yes, sir.

Q Now, you made two or three trips down here? A Yes, sir.

Q You made two trips before Ed came with you? A Yes, sir.

Q And he came with you on the third trip? A Yes, sir.

BY MR. LAWSON:

Q Did you employ Mr. Boudinot to look after your case, or Dave's case or all of your cases? A All of the cases.

Q Employed him to look after the enrollment of you and your wife and Ed? A Yes, sir.

BY COM'R NEEDLES:

Q When did you come down here from Kansas on your third trip?

A December.

Q What year? A In '66.

Q Then is when you brought Ed? A Yes, sir, moved here.

Q At that time? A Yes, sir.

Q Didn't bring him down on any of those other trips? A No, sir.

Q Where was he? A Up there with his mother.

Q How old was Ed when you brought him down? A He was a small boy; he had never left me.

LEWIS WHITMIRE, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. LAWSON:

State your name? A Lewis Whitmire.

Q Are you on the roll of 1830 as an authenticated citizen? A Yes, sir.

Q Are you kin to Moses Whitmire? A Yes, sir, he is a half brother of mine.

Q Do you know Edward Wright? A Yes, sir.

Q The applicant here? A Yes, sir.

Q How long have you known him, Lewis? A I have known him ever since he was a little bit of a boy.

Q Where did you first know him, where was he living? A He was living with his mother when I first knew him in Going Snake.

Q Going Snake what? A District it is called.

Q Cherokee Nation? A Yes, sir.

Q Was Edward Wright a slave? A Yes, sir, born slave.

Q Who was his master at the breaking out of the war? A Eli Wright.

Q Do you know whether or not Edward Wright left the Cherokee Nation during the war? A He went out with his mother.

Q At what time do you know? A I think it was in the winter of '62, along in the winter sometime, they all had to leave.

Q Where did they go? A They went to Kansas.

Q What place in Kansas? A I think it was somewhere near Fort Scott where they stopped, around it.

Edward Wright. —2.

Q Did you see Ed Wright immediately after the war? A Yes, sir.
I saw him right here after the war.
Q Do you know when Ed Wright returned to the Cherokee Nation?
A He came with his stepfather, that is Moss and his mother.
Q Who else was in the crowd? A With him, well Dennis and my
father and me, I was in the crowd.
Q Was Ed Wright along with that crowd? A Ed Wright was with them.
Q When was that? A It was in the fall of '66.
Q Where did old Moss Whitmire stay when he came here? A Right
on Salt Creek, under the bluff on Salt Creek.
Q Was Ed Wright living with Moss Whitmire at that time? A Yes, sir.
Q What relation was Katie Whitmire to Ed Wright? A She was
his mother.
Q What relation was Katie Whitmire to Moss Whitmire, if any?
A His wife.
Q Where has Ed Wright lived since 1866? A He has lived about
the place where he is at now.
Q Still living there? A Yes, sir.
Q Has he ever removed from the Cherokee Nation? A No, sir.
Q Since 1866? A No, sir.
Q Well, have you been living in the same neighborhood? A I live
on Lightning Creek, four miles.
Q Have you lived in that same neighborhood ever since you returned
here? A Yes, sir.
Q Now, you say you were in that crowd that brought Ed Wright down
in 1866? A Yes, sir, I was in that crowd.
Q And he came with Moss Whitmire's family did he? A Yes, sir.
Q Do you know where Ed Wright stayed during the latter days of the
war? A He stayed right with Moss Whitmire until he married.
Q Then after he married where did he go? A He stayed on the place
right there joining his old stepfather and is living on that place
now.

BY MR. HASTINGS:

Q You didn't witness for him before the Kern-Clifton Commission?
A No, sir.
Q You were around when they had the investigation then? A This
is the first time I witnessed for this man.
Q You were down before the court when they all applied? A Yes, sir..
Q Uncle Moses Whitmire applied for him at that time? A Yes, sir.
Q He didn't have any trouble getting on himself? A No, sir.
Q He didn't have any trouble getting his wife on? A No, sir.
Q Did Aaron Whitmire come back with you? A No, sir; Aaron
Whitmire came back a little while before we came.
Q Before you first came down here? A No, sir.
Q Well, now, about when did Aaron come? A Aaron came down in the
fall of '66.
Q Where did he locate? A Located right where; well, when he first
came he made a crop on the place where Sir Martin came and he
stopped there and in the spring of '67 he made a crop there.
Q Aaron came down ahead of you? A He moved down ahead of me and
when we come down to pick claims we all came together, that was in
the fall, and when we moved we didn't move together.
Q Tell, didn't you say you and Dennis and your father, Major Wright,
came down together? A Yes, sir.

Edward Wright. -- 8.

The Wallace Roll of Freedmen of the Cherokee Nation examined and the name of the applicant found thereon, page 143, #3081, Coconino District.

HARRY STILL, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. LAWSON:

- Q State your name? A Harry Still.
- Q Residence? A Hayden.
- Q Are you acquainted with Edward Wright, the applicant? A Yes, sir.
- Q Where did you first get acquainted with him? A I have been acquainted with Ed ever since '60.
- Q Where did you first know him? A Knewed him up in Going Snake District.
- Q Cherokee Nation? A Yes, sir.
- Q Was he a slave? A Yes, sir.
- Q Who was his master? A Eli Wright.
- Q Did you know him while he belonged to Eli Wright? A Yes, sir.
- Q Did Ed Wright leave the Cherokee Nation during the war? A Yes, sir.
- Q Do you know where he went? A Yes, sir.
- Q Where did he go? A Fort Scott.
- Q Fort Scott what? A Kansas.
- Q About what year? A I think, I am't certain, I think it was '62 or '63, he didn't go when I did but he went out shortly after I went out.
- Q Well, did you see him up at Fort Scott? A Yes, sir.
- Q Did you know Ed Wright's mother? A Yes, sir.
- Q What was her name? A We called her Katie Walkingstick.
- Q Was she the wife of Moses Whitmire? A Yes, sir.
- Q Did you see them during the war? A Yes, sir.
- Q Where were they? A Fort Scott, Kansas.
- Q Well, was Ed Wright up there with him? A Yes, sir.
- Q What relation is Ed Wright to Katie Whitmire? A Son of Katie Whitmire.
- Q Do you know when Ed Wright returned to the Cherokee Nation? A Yes, sir.
- Q When? A Fall of '66.
- Q 1866? A Yes, sir.
- Q You were with the crowd that came back? A No, sir; when I come here I come the other way and I left Lawrence and they left Fort Scott and when I got here they was all here.
- Q Where did they stay? A Right on the hill this side of Salt Creek.
- Q At that time was Ed Wright living with Mose and Katie Whitmire? A Living right in the house with them.
- Q Where has Ed Wright lived ever since '66? A He has lived there under the hill, went from there and stayed on the place with Mose where Mose lives now, until he married and moved back to Salt Creek and moved out on the prairie where he is living now and has been living there ever since.
- Q Has he been living in the Cherokee Nation entirely ever since '66? A Yes, sir, I have been more of loss with him ever since.
- Q And you know that he came back with Mose Whitmire and Katie Whitmire in the fall of 1866? A Yes, sir, lived with them all the time.
- Q You knew his wives did you? A Yes, sir.
- Q How many wives did he had? A Two.
- Q What is the name of his first wife? A Mary.
- Q And the name of his second wife? A Jose.

Edward Wright. -- 9.

Q Did he have any children by his first wife? A Yes, sir.

Q What are the names of his children? A John and Dave.

Q Which is the elder son or Dave? A John is the oldest child.

Q Do you know whether or not their names, either of these names appear upon the authenticated roll of 1880? A I think they do, I think John's name is on there.

Q Well, how long did Ed Wright live with Rose Whitacre after he came back here in '67? A He lived with Rose during the war, came back here with him and lived with him until he married Mary; he left Rose when he married his first wife and came back on the place where Rose stopped.

BY MR. HASTINGS:

Q Who came along as you come? A Well, I had my mother and my sister, Reid with me, Joe King, Wilda Hacey, and Aunt Nancy started with us and she died at Timbered Hill.

Q And you testified in the Marian Hayden case didn't you? A Yes, sir.

Q You didn't come along when any of the Whitacres come? A No, sir.

Q They were here? A Yes, sir.

Q Where was this set on living when you come? A Living with Rose.

Q Did he have a house? A No, sir, well Rose had started to build here himself once and went back to leave his family.

Q You don't know how long they had been here at that time?

A They hadn't been here a great while when I come.

Q Who did you live with when you come? A Lived with my mother.

Q Who did she live with? A With me.

Q Did you have a place at that time? A Made it.

Q Where was that? A Backed place.

Q Where is that from the Hayden post office now? A Two miles west.

Q Did you make a crop there in '67? A No, sir, didn't make any crop.

Q Where did you make a crop there? A We really never did make a crop there, had a little patch there, that is, until we moved to the other place.

EDWARD WRIGHT, THE APPLICANT, RECALLED: BY MR. HASTINGS:

Q Where did you go to school? A Went to school to Kansas and here in the Cherokee Nation after I come here.

Q Did you go to school up there during the war? A Yes, sir.

Q Did you go to school after the war up there? A Yes, sir.

Q How long? A About three months after I come down here on Big Creek.

Q Was there a school located up there? A Subscription school.

Q Did you go to school in Kansas after the war? A Yes, sir.

Q Before you come down here? A Yes, sir.

Q How long? A Well in my schooling I haven't had but three years.

COMMISSIONER NEEDLES: Edward Wright applies for the enrollment of himself. He can not be identified upon the authenticated roll of 1880 or census roll of 1885. He is identified upon the Kern-Cliff and Wallace rolls according to the page and number of the rolls as indicated in the testimony. He avers that he is the child of Katie Whitacre, who is the wife of Moses Whitacre, and that he was a slave and

belonged to one Ed Wright, a Cherokee citizen. The name of the mother is identified upon the authenticated roll of 1880. He avers that he has one son named David, who is identified upon the authenticated roll of 1880. He avers in his testimony that John Henry Wright, a child of his, was on the roll of 1880, but he is not found. He takes satisfactory proof as to his residence. The weight of the testimony is that the said Edward Wright is entitled to enrollment as a Cherokee Freedman and now because the Cherokee Nation protests against his enrollment, he will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be so notified by mail of the decision of the Commission when arrived at.

MR. MARTINDALE: The representatives of the Cherokee Nation desire to call attention to the fact that David Wright is enrolled with the family of Nowe and Katie Whitmore, and that his mother was a Cherokee Freedman.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that he foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) J. O. Rossen.

Subscribed and sworn to before me this 10th day of July, 1901.

(Signed) T. B. Needles.

Commissioner.

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Supl. C. D. Fair, Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of advice on E. B. Lawson, that attorney for the applicant, in this case, that testimony would be introduced by the

COMMISSION TO THE
FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

SEP 4 1901

F. I. D. E. D.

Armistead Foster et al 5

SUPPLEMENTAL JUDGMENT:

Applicant ARMISTEAD FOSTER, re-called and further examined

BY COMMISSIONER NEEDLES:

Q Is this child's name Grayson? A No sir, its name is Foster.
Q Did Tobler ever go by the name of Grayson? A It was George Tobler's daughter.

Supplemental Judgment: COMMISSIONER NEEDLES: Applicant avers that the Gertrude Grayson who was listed for enrollment on D card 496 should be Gertrude Foster, that she is his child. Armistead Foster's child by his wife, Louisa Tobler, and that Clara Grayson is the grandmother of said child.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M. D. Green.

Subscribed and sworn to before me this July 11, 1901.

(signed) W. P. Needles,

Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

To be filed in the case of Gertrude Grayson, et al, CFD-496.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Ammstead Foster for the enrollment of himself and child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Ammstead Foster.
Q How old are you? A I don't know exactly.
Q Well about how old? A I am about 39.
Q What is your post-office address? A Inola.
Q What district do you live in? A I am living in the Creek Nation.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides your self? A One child.
Q What is the name of your child? A Gertha.
Q How old is Gertha? A She is 8 years old.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lucinda.
Q Is your wife's name on the roll of 1880? A Yes sir.
Q Is your wife a Cherokee Freedman? A No sir.
Q Is she a Creek? A Yes sir.
Q What is your husband's name? A Randell Foster.
Q What is your mother's name? A My mother's name so said Liza Phillips, but I don't know nothing about her.
Q Where were you born? A They said I was born in the Cherokee Nation.
Q How long have you lived in the Cherokee nation? A Until I was grown.
Q Is your name on the rolls of the Cherokee nation? A Until I was grown.
Q Is your name on the rolls of the Creek Nation? A Yes sir.
Q You live in the Creek Nation now? A Yes sir.
Q How long have you lived there? A About eight years.
Q Your wife a colored woman? A Yes sir.
Q What's her name? A Lucinda. Her name was Lucinda Vann before she was married.
Q That your present wife? A Yes sir.
Q Have you ever been married more than once? A Yes sir.
Q What was your first wife's name? A Martha Landrum.
Q Is she a citizen? A She is a citizen of this nation.
Q Is she living? A Yes sir.
Q You are not living with her? A No sir.
Q Is her name on the roll of 1880? A I think it is.
Q Who was the mother of Gertha? A She is dead. Her name was Louisa.
Q What was your second wife's name? A ~~Louisa Tobler~~ Louisa Tobler.
Q What was your third wife's name? A I guess that's all.
Q Three? A Yes sir.
Q Your present wife is named Lucinda? A Yes sir.
Q Who was the mother of Gertha? A Louisa Tobler, a Cherokee darkey.
Q Is her name on the roll of 1880, do you know? A I don't know.
Q When did you marry her? A I don't know.
Q She living? A No sir, she is dead.
Q Was she dead before you married Lucinda Vann? A Yes sir.
Q Where you say you were born? A In the Cherokee Nation.
Q You lived in the Cherokee nation until you were grown? A Yes sir and married here.
Q You lived with Randell, and Eliza? A No sir, my step-mother raised me.
Q What was your step-mother's name? A Vina Foster.
Q You haven't got the child, have you? A No sir, it is with its grand-mother.

VINA FOSTER, being sworn and examined by Com'r Needles, testified as follows:

Armstead Foster et al 2

Q What is your name? A Vina Foster.

Q What is your age? A I don't know, sir I told you.

Q About how old are you? A Why you guessed it to-day.

Q Did I, well I couldn't guess it again because I couldn't recollect it.

MR. HASTINGS, Cherokee Rep'vs: 55 or 6.

Q What is your post-office? A Lenapah.

Q Do you know Armstead Foster? A Yes sir.

Q Any relation to you? A My step-son.

Q Was he ever called any other name besides Armstead? A Not while he stayed with me he wasn't.

Q Do you know whether he was called by any other name when he has been with anybody else? A Other folks I guess called him other name.

Q What other name? A Some calls him Armstrong and some John, but at home we call him Armstead.

Q What is his proper name? A Armstead.

Q You know whether his name is on the roll of 1860 or not? A No sir, I don't know.

Q Randell Foster was your husband? A Yes sir.

Q He is dead? A Yes sir.

Q Your name on the roll of 1860? A Yes sir.

Q And Randell's? A Yes sir.

Q Was he Randell Foster's son? A That's what he told me, he had him with him when I and him were married.

Q You don't know anything about his mother? A No sir, I never saw her.

Q You don't know whether Randell and his mother were married or not? A No sir.

Applicant, ARMSTRAD FOSTER, re-called and further examined.

BY MR. HASTINGS, Cherokee Rep'vs:

Q Where were you married the first time? A On Big creek.

Q Where were you married the second time? A Down at Marshalton, Creek Nation.

Q When were you married the second time? A I don't know.

Q About how many years ago? A I don't know.

Q When were you married the third time? A About three years ago.

Q Now Gertha's mother is that Tobler woman, Louisa Tobler? A Yes sir.

Q She was a Creek? A No sir.

Q Wasn't she living in the Creek Nation when you married her?

A Yes sir, but she wasn't no creek.

Q Who was she living with? A She was living with her mother.

Q What was her mother's name? A She was a Tobler.

Q You know whether her mother was a Creek or not? A No, she was no Creek I tell you.

Q You and this woman though always lived in the Creek Nation together after you married, you and Louisa Tobler? A Yes sir.

Q And this child, Gertie, was born over there? A Yes sir.

1860 authenticated roll of citizens of the Cherokee Nation examined and name of Tobler not found thereon.

BY COM'R NEEDLES:

Q You lived with Louisa Tobler in the Creek Nation? A Yes sir.

Q Did you ever have her enrolled over there as a Creek citizen?

Q No sir.

Q Did you ever draw any Creek money? A No sir.

Q Did you ever draw any for Gertha? A No sir.

Q Is your present wife enrolled as a Creek over there? A Yes sir.

BY MR. HASTINGS:

Q Is your first wife dead? A She is out here on Lightning Creek.

Armstead Foster et al 3

Q She is alive? A Yes sir.
Q Were you ever divorced from her? A Didn't need to do it, we didn't marry under no license, and we didn't need no divorce.
Q How long did you live with her? A Until we quit.
Q How long? A I don't know.
Q About how many years? A I don't know, I never took no account of it.
Q As much as 10 years? A I don't know.
Q Now we will have to have your best judgment? A I don't know, I didn't keep no count of it.
Q Well you live together more than five years didn't you? A No.
Q Four? A No, I don't know how long, we didn't live together that long though.
Q Well, three years? A No.
Q Well about how long did you and she live together? A I think we was married some time along in June or July and September we and her parted.
Q Who married you? A Sam Webber.
Q That wasn't your first wife? A Yes sir.
Q And you parted after that, in September? A (No reply.)
Q But you was married to her by a preacher? A Yessir.
Q And no court ever divorced you? A No sir.
Q You afterwards married this Tobler woman? A Yes sir.
BY COM'R NEEDLES:
Q And she was the mother of this child? A Gertie, yes, sir.
Q Was she ever a recognized citizen of the Cherokee Nation, Louisa Tobler? A I think she was.
Q Ever draw any money, name on the rolls? A I don't know whether she did or not.

ROBERT GLASS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Robert Glass.
Q How old are you? A About 55.
Q You are a Cherokee Freedman? A Yes sir.
Q What is your post-office address? A Lemapah.
Q You know the applicant here, Armstead Foster? A Yes sir, I know him.
Q You know who his father was? A Yes sir.
Q Who? A Randell Foster.
Q Who was his mother? A I couldn't tell that.
Q Don't know? A No sir.
Q How long have you known Armstead? A I knowed him since time of the war.
Q He was a child then? A Yes sir.
Q He was called Randell's son? A Yes sir.
Q But you don't know his mother? A No sir.
Q Are you on the roll of 1880? A Yes sir.
Q You know whether Armstead is or not? A He ought to be.
Q Why? A All his people was on the rolls.
Q Was his mother on the rolls? A I don't know his mother.
Q You don't know then whether Armstead is on the roll of 1880 or not? A I don't know.
Q You don't know anything about his mother? A No sir, I never did see her.
Q You don't know whether she was a state woman or a slave? A No sir.
Q You don't know whether she was married to Randell Foster or not? A No sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 100 #2499 Armstead Foster, Coe cecspowee District.

(One Armstrong Foster is found on the 1880 roll, but it is

Armstead Foster et al 4

not determined who it is. Stenog.)

Applicant, ARMSTEAD FOSTER, re-called and further examined;

BY COM'R NEEDLES:

Q Are Rebecca and Jimmie your children? A Yes sir.

Q Where are they? A Both dead.

Q How long have you been living in the Creek Nation? A About eight years.

Q Never lived there until about the last 8 years? A That's all.

Com'r Needles: Armstead Foster applies for the enrollment of himself; he avers that his name appears upon the authenticated roll of 1880 as Armstrong Foster;

Witness, ROBERT GLASS, re-called, and further examined,
BY COM'R NEEDLES: Q Did you ever know this man by any other name besides Armstead? A No sir.

(1880 authenticated roll of citizens of the Cherokee Nation examined and applicant found on page 107 #1204 Armstrong Foster, Cooweescoowee District, No age or nationality given; "Added by Revising Committee.")

Judgment cont'd: He avers that he has one child, Gertha; he avers that he has been married three times, the first time to a woman named Landrum, second Tobler and third Lucinda Vann; he avers that Tobler is the mother of this child, Gertrude; he avers that he was married to his first wife, Martha, by one Sam Webber, a minister, by whom he had no children; that since he has married said Louisa Tobler, who is now deceased, since he has married Lucinda Vann, a Creek citizen; he avers that he now resides in the Creek Nation, having resided there for the last eight years; he makes no satisfactory proof to the effect that the Armstrong Foster whose name is found upon the authenticated roll is the identical person intended for the applicant; he avers and makes proof to the effect that he is a son of Randell Foster, whose name is found upon the authenticated roll of 1880; the name of his mother he does not know. No proof is made as to the citizenship of his mother, or as to the fact whether Randell Foster was his father, ever married to his mother; his child, Gertrude has been listed for enrollment on D card 496, was listed by its grandmother, Chlora Grayson; from the fact that the applicant is not duly identified upon the authenticated roll of 1880, although his name is found, and he is identified upon the Kern-Clifton pay roll; and the further fact that no divorce is proven as between his first wife, and his second wife, Louisa Tobler whom he avers is the mother of Gertrude, and the further fact of his residence in the Creek Nation, but principally because he is not fully identified as the legal child of Randell Foster, the said Armstead Foster will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting identification, and the further consideration of the Commission; he will be notified by mail of the action of the Commission when arrived at. And it is ordered that a copy of this testimony taken in the case of the application of Armstead Foster on D 907, be made a part of the record in the matter of the application of Gertrude Grayson, who is enrolled on D 496, and a copy of the testimony in the matter of the application of Armstead Foster will be filed with D 496 of said Gertrude Grayson.

Armistead Foster et al 3

SUPPLEMENTAL, to judgment:

Applicant, ARMISTEAD FOSTER, re-called and further examined

BY COM'R NEEDLES:

Q Is this child's name Grayson? A No sir, its name is Foster.

Q Did Tobler ever go by the name of Grayson? A It was George Tobler's daughter.

Supplemental Judgment: COM'R NEEDLES: Applicant avers that the Gertrude Grayson who was listed for enrollment on D card 496 should be Gertrude Foster, that she is his child. Armistead Foster's child by his wife, Louisa Tobler, and that Chlora Grayson is the grandmother of said child.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green.
Subscribed and sworn to before me this July 11, 1901.
(signed) T.F. Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green

Subscribed and sworn to before me this the August 28th, 1901.



Commissioner.

And he said too, A. Walker, recalled:
Mr. Hastings: Have you had a talk with this young Sam Webber since you have been here? A. Yes, we talked a little while yesterday.

Q Did you have any talk to him as to what year you bought the Fleming place? A Well, about that, he seemed to understand it as I did; he knew it was that year; we didn't speak any of any differences between that.

Q Did he think you bought it in 1868? A I think he understood it that way. He said to me that, he asked me was I going to too. Then he put a crop on the place in '67; I said no, no, I never thought of such a thing. I don't know why he came to the idea of asking me that.

Mr. Hastings: The representatives of the Cherokee Nation ask that the testimony of Aaron Webber in Cherokee Freedman doubtful case No. 216, be made a part of the record in this case, and that the testimony of Reuben Sanders in the case of Freedman doubtful No. 221, be also made a part of the record in this case.

Com'r Needles: It will be ordered, and testimony in this case taken today will be made part of the record in Freedman D. 496.

J. B. Reason, being first sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings of this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 10th, 1901.

(Signed) T. B. Needles,

Commissioner.

Arthur S. Bruminger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 4th day of December, 1901.

Notary Public.

To be filed in C.F.D. #496, Clara Grayson et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Joe Ross as a Cherokee Freedman, introduced on part of the Cherokee
Nation.

APPEARANCES:

Mr. Mallette, attorney, appears for applicant.
Mr. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to Mallette & Smith appearing as attorneys in this case, for the reason that the record shows that they do not represent him and they themselves state that they do not represent the said Joe Ross.

Com'r Needles: The objection will be entered and overruled.

Mr. Hastings: The representatives of the Cherokee Nation further ask that this ruling be forwarded to the Secretary of the Interior as a special ruling of the Commission for review.

Mr. Mallette: The reason I want to appear is Mr. Webster says he is his sister's son and asked me to appear and I told him I would do so.

Com'r Needles: The ruling and objection made by the Cherokee Nation will be forwarded to the Secretary of the Interior in connection with the testimony and record in the case.

JAMES WALKER, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

Q. Mr. Hastings: What is your name? A. James Walker.

Q. What is your postoffice? A. Present time Gritzex, Linn County, Kansas.

Q. How long have you lived in Linn County, Kansas? A. Well, since the spring of '87, I moved in there about the first or second day of May, '87.

Q. Where were you living when the war closed in '65? A. My family was there in Linn County on the farm, where they had been, I don't know particularly where I was myself, I was away off and around a great deal.

Q. What was your nearest town in '65? A. Mound City.

Q. Where did you live in 1866? A. My family was still there.

Q. On this same farm? A. Same farm.

Q. Did you know a man by the name of Fleming? A. Yes, sir, I knew him well.

Q. His son was in here the other day? A. Yes, sir.

Q. Did you purchase a place from Fleming? A. Yes, sir, I purchased a place from Jefferson Fleming.

Q. How far was that place from the one upon which you were living?

A. It joined it on the south side.

Q. When did you purchase the place? A. Well, like other bargains it took some little time talking, it was in the spring, tolerable early I think it was about that Fleming and I came to an agreement about the purchase of it.

Q. Now, when was it consummated and the deed passed? A. Well according to the contracts it was in September of 1866.

Mr. Mellette: The defendant desires to object to any testimony as to when a deed passed for any property upon the ground that the deed is the best evidence.

Witness: There is my deed (referring to paper), I got that from the recorder last week.

MR. HASTINGS: What date does it show? A. 24th of September.
Q. Have you got your glasses? A. Yes, sir, but I can't get them out with one hand.
Q. Where are they? A. In this pocket: Section 8, 23-24, dated September 24th, 1866 for the consideration of \$1550.
Q. Now where did you get this memorandum? A. Well, I got that from the recorder of Linn County.
Q. When? A. Last Wednesday.
Q. Did he take it from the records? A. Yes, sir, and I saw the record and asked him to do it for me.

Mr. Mellette: The applicant asks that all the evidence of this witness given as to the date of that transfer be stricken out upon the point that the record is the best evidence.

Gen'l Needles: The objection will be entered.

Q. Who was living on this place when you bought it in 1866?
A. Samuel Webber was on it.
Q. Was Samuel Webber a colored or white man? A. Colored man.
Q. Did he have any family? A. Yes, sir, considerable many.
Q. Did he have a son by the name of Sam? A. Yes, I know him.
Q. I will ask you if this is the young man here (referring to Sam Webber)? A. Yes, sir, that is the same man.
Q. Was Sam Webber on the place you say when you purchased it? A. Yes, sir, he was on it and had possession.
Q. How long did his possession continue to run after you purchased it?
A. Well, he had possession that year you know and we could not put him off and some how or another I don't remember that I wanted him off.
Q. Well, for how long? A. He had it for that year until the next March.
Q. When did he leave that place, Sam Webber? A. Well, he made a crop and according to the best of my knowledge—
Q. I mean with his family? A. I say according to the best of my knowledge and I saw him yesterday and I talked to him friendly enough, I believe it was late in the winter or beginning of spring.
Q. About what month? A. I should think it was as late as February, it might have been a little later.
Q. What makes you think that? A. Well, now I will just tell the way of it—
Q. Just as short as you can? A. I did have a good friendly interest in him, and know then about him, this idea about him wanting to come down here and I don't know anything about the dates he set; I used to hurry him to come and why he let good weather go past and had to pull out when it was raining.
Q. Are you positive he never left there before Christmas? A. I think he was there Christmas and know it about; I am only doing the best I can with my recollection, I have no interest, anyway shape or form.
Q. This date of transfer that you are absolutely positive about?
A. Yes, sir.
MR. MELLETTE: Did you point to Sam Webber a while ago?
A. Yes, young man.
Q. Which one? A. The young man that is him right there.
Q. Well, you say that he was on that place in '66? A. His father was.
Q. Well, you don't know where this young man was then? A. I

wouldn't be positive about where he was; he was going and coming.

Q He was coming to the Nation and going? A I could not say as to that, I wasn't there that summer a great deal myself after he had possession, he did have possession when I bought it.

Q That is old Sam Webber? A Yes, I was following the business of stone mason then and I was most of the time at Fort Scott, very often that I was there I didn't come home oftener than a month and two months and in the meantime he may have come and gone.

Q You kept urging old man Sam Webber to come down here to the Nation? A Yes, sir, he said he would not get his rights unless he came within a certain time.

Q That was old man Sam Webber said that if he didn't come within a certain time he would not get his place? A Yes, sir.

Q Now, you don't know when he did come down here? A Not the date.

Q It has been a long time ago, hasn't it? A Yes, sir.

Q You know that he talked about coming? A Oh, yes.

Q Now, you said he held the place, would have held the place until March, '87? A He could have held it.

Q You don't know whether he did or not? A Well, he come mighty near it.

Q Now, I will ask you if in July, 1866, old man Sam Webber and young Sam Webber here didn't come to the Cherokee Nation with old man Mike Sanders? A Well, sir, I can't tell you, I don't know Mike Sanders from a side of sole leather.

Q You don't know whether you were there when they got in there or not? A I don't know.

Q They may have come to the Cherokee Nation as far as you know?

A Yes, sir.

Q They had their stuff back there on that place didn't they?

A Yes, sir; living there with their family and made that their home.

Q Do you know they all got away from there in 1866 or not don't you? A No, sir, they stayed there and made that crop.

Q This '66 crop? A Yes, sir.

Q They didn't make it up in the fall? A They was there in the fall and helped me move the fence around about 24 or 5 acres on that place they worked on and my place that I had and we put them together and swung them together that I took in the north eighty they were on and biggest portion of mine.

Q That was in the fall of '66? A '66. As for the date that it was just at the time we had the grass hoppers; that was the time the grass hoppers eat the wheat up.

MR. HASTINGS: Mr. Walker, what I was trying to get out, not when any of them come down separately but the family, when the old man Sam Webber brought his family and come down? A I can't answer but that way, it was in the latter part of the winter or beginning of spring.

MR. MELLETT: You don't undertake to swear positively about that? A Oh, if I was positive, I would be if I had a date, I don't want to do anything that way I could not swear to; this date I seen it, the book is correct I will swear to that.

Q Now didn't young Sam Webber here come down here in the fall of '65? A Well, I only got that, this old man Sam Webber and the young man will tell you.

Q Didn't he and his father come down here in the fall of '65?

A They worked a good deal and my boys were driving teams for them and my boys could tell you more than I could; there was a big part of the time in 1865 I was not at home, sometimes as much as ten months in the year.

MIAMI WALKER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Miami Walker.

Q What is your age, Mrs. Walker? A 76.

Q Where do you live? A Linn County Kansas.

Q Is this gentleman, Jim Walker, your husband that just left the stand? A Yes, sir.

Q You were married before the war? A Yes, we was married in Pennsylvania.

Q Were you living together as husband and wife immediately after the war, '65 's and '7? A Oh, yes, we have lived together ever since.

Q Are you living in Linn County, Kansas? A Ever since we came here.

Q Do you remember a circumstance of your husband buying a farm from Mr. Fleming in '66? A Yes, sir.

Q Do you know who was on the Fleming farm at that time, when your husband purchased it? A Man by the name of Samuel Webber.

Q Was he a white man or colored man? A Colored man.

Q Did he have a son by the name of Sam? A Yes, sir.

Q What time after your husband purchased this place from Mr. Fleming did the Webbers move their families off of that place? A Well, I should say now, and it seems to me but I can't remember it was a good while to remember, it was the last week in February, but I ain't certain.

Q That is your best judgment? A Yes, my best judgment.

Q Are you positive that it was not before Christmas? A I am not certain.

Q Your best judgment is the last week in February after this trade was made? A Oh, yes, the trade was made in September.

Q You knew old man Sam Webber? A Oh, yes.

Q And his son? A His son.

Q Do you know where this young Sam was married? A He was married at home.

Q Do you know who he married? A I don't know, I know she was around in the neighborhood there, I don't know that I was personally acquainted with her, but I have seen her.

Q You know that the marriage took place there? A Took place there.

Q Near what creek was that? A We lived on Elk Creek, the creek ran through the farm.

Q How far is that from Mound City? A Five miles.

Q How far from Fort Scott? A 20.

Q North? A 20 north, yes.

Q You don't know Sam Webber's wife's name? A I wasn't acquainted with her very much, I had seen her but never spoke to her, I could not recall her name. I knew her mother.

Q What was her mother's name? A Aunt Rose, we called her, is all the name I ever heard.

MR. KELLER: You say you are 76 years old? A Yes, sir.

Q Do you remember the year the war closed? A '65 I think.

Q You don't pretend to remember this back 30 or 40 years ago? A Oh, I can't recollect that.

Q The testimony you have given in regard to the time the Webbers moved off the place is merely a recollection of yours at this time?

A That is all, I ain't positive, it always seemed to me that was the way of it.

Q They might so far as your testimony is concerned, they might have left that place before Christmas of that year?

A I don't know, I ain't right positive about it, it seems to me hardly that long.

Q You remember that old man Sam Webber and his son, young Sam, came to the Cherokee Nation in 1888? A I remember their coming down here, but I don't remember the year; I expect it was about that time.

Q That was before the whole family moved? A Yes, sir.

Q Do you remember the old man Sam Webber saying that he had to come here in a certain time in order to get his rights? A I don't know

whether he said it or not, but I knew it.

Q You knew it? A Yes, sir.

Q And he did too? A I suppose he did.

JAMES WALKER, recalled:

MR. HASTINGS: Have you had a talk with this young Sam Webber since you have been here? A Yes, we talked a little while yesterday.

Q Did you have any talk to him as to what year you bought the Fleming place? Q Well, about that, he seemed to understand it as I did; he knew it was that year; we didn't speak any of any differences between that.

Q Did he think you bought it in 1866? A I think he understood it that way. He said to me that, he asked me was I going to testify that he put a crop on the place in '67; I said no, no, I never thought of such a thing; I don't know why he come to the idea of asking me that.

Mr. Hastings: The representatives of the Cherokee Nation ask that the testimony of Aaron Webber in Cherokee Freedman doubtful case No. 216, be made a part of the record in this case; and that the testimony of Reuben Sanders in the case of Freedman doubtful No. 301, be also made a part of the record in this case.

Com'r Needles: It will be ordered, and testimony in this case taken today will be made part of the record in Freedman D. 496.

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 10th, 1901.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 4th day of December, 1901.

W. A. Green
Notary Public.

~~File with Cherokee Freedman D-391, Elizabeth Heiga.~~

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Heiga et al for
enrollment as Cherokee Freedmen:

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-
tified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 60.

Q What is your postoffice address? A Cantralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Heiga and George Heiga? A Yes, sir.

Q What relation is George Heiga to Elizabeth Heiga? A Her son.

Q Did you know Peter Heiga during his life time? A Yes, sir.

Q Do you know whether Peter Heiga, Elizabeth Heiga, and George Heiga
were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father
and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever
since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the
war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of
January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family
came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and
then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon,
and Perry.

Q Then was his children? A Them was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of
the record in the case at bar and part of the record in D-394, D-396,
D-398, D-401, D-402, D-404, D-407, D-475.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

W. H. Renteria
Notary Public.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

E. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

E. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

E. T. Brown: And that they have had a continuous residence in this country since that time.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q There was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Way he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedmen D-391, Elizabeth Neigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Neigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Apparances:

L. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 39.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Neigs and George Neigs? A Yes, sir.

Q What relation is George Neigs to Elizabeth Neigs? A Her son.

Q Did you know Peter Neigs during his life time? A Yes, sir.

Q Do you know whether Peter Neigs, Elizabeth Neigs, and George Neigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '63.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

L. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

By Palmer

Subscribed and sworn to before me this 8th day of August, 1902.

[Signature]
Notary Public.

given by Sam Webber in Cherokee Freedman Doubtful was 876,
the same being the case of Jefferson Ross, be filed in case
Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman
D-446, of Clara Grayson, and in Cherokee Freedman
of Aaron Webber.

3
Green, being first duly sworn, states that as stenographer
the Commission to the Five Civilized Tribes he correctly
the proceedings and testimony in this case, as dictated to him from
the stenographic notes of JOHN A. Reason, by said Reason, and that
the foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this November 16th, 1901.

NOTARY PUBLIC
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

NOV 16 1901

[Signature]

Notary Public

Handwritten: 740416

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
J. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Break-
inridge, testified as follows for the Cherokee Nation:

(By the Commission)

Q Give me your full name? A Douglas Walker.

Q How old are you? A 50.

Q What is your post office? A Mound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.

Q What was your father's name? A James Walker.

Q What was your mother's name? A Mima Walker.

Q Was your father and mother here the first of the month? A Yes sir.

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound City, Kansas; in the neighbor-
hood where I live.

Q Do you know the applicant here, Joe Ross? A I knew him as Joe
Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Where was he living at the time? A He lived with the older Sam
Webber at the time.

Q You know this applicant here is the same party? A Yes sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister.

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.

Q Where did you know him? A In the same family in Mound City, Kansas
Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on
a farm that belonged to a man named Jeff Flerrings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flerrings.

Q Do you know where young Sam Webber was married? A He was married
there in Linn County, near Mound City, in the neighborhood there,
where I was living.

Q Did he marry before or after he moved from that country? A Before
he moved.

Q Mr. Walker, have you looked up the date of when your father
purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q That was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but
have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that
father purchased.

Q Where was young Sam living at the time he married? A On this farm
on the same place.

Q What is your best judgment as to the time Sam Webber, including
Joe Ross, Chlora Grayson and Aaron Webber left that country with
their women folks and came to this country? A According to my best
recollection it was the latter part of February or early in March
of '67, I can't state exactly the month; early in the spring of '67
though.

Q Did they all move down at the same time? A All started together.

Q Left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

Q How did you know it? A I recognized his countenance as one man knows another.

Q How? A Well I saw him.

Q When? A To day.

Q Where? A On the street.

Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.

Q When did you first become acquainted with old man Sam Webber? A In '65 he moved on that farm.

Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Fleming farm.

Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Fleming owned it until my father bought it.

Q How do you know it was his that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long

they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again?

Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped that? A Then two and the little boys I think worked too; Aaron and I don't know but as Joe did too, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly, but that is my best recollection.

- Q Are you testifying to the best of your recollection? A Yes sir.
- Q Do you remember of Sam Webber Jr. bringing any hides to that country?
- A Yes sir.
- Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
- Q To refresh your memory, was it not in March? A March when?
- Q '66 A No sir.
- Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
- Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
- Q Do you remember of Sam Webber selling out a crop up here? A I don't
- ask Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.
- Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
- Q Don't you remember of them leaving there to come to the Territory for the purpose of building houses? A Well not yet wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
- Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
- Q What dates have you looked up? A The purchasing of this land.
- Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
- Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
- Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
- Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
- Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
- Q You didn't know then did you? A Yes sir after I thought it over.
- Q How long did it take you to think it over? A I don't exactly remember.
- Q Can't you give us some idea of it? A 2 or 3 weeks.
- Q Were you here when your father testified in this case? A Yes sir.
- Q Did you know as much about it then as you do now? A No sir.
- Q How long was that from the time you had first been asked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
- Q What were you doing here then? A I was subpoenaed in another case.
- Q You had been talking about this case then? A Not much.
- Q How much? A A word or two.
- Q And you were here all the time your father and mother were here and yet didn't testify in this case? A Yes sir.
- Q You went back to Kansas? A Yes sir.
- Q And came back here again to testify? A Yes sir.
- (By Hastings)
- Q You were subpoenaed by the Cherokee Nation? A Yes sir.
- (Continued by Stenographer J. G. Rosson)

Chas. von Walze, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above case and that the foregoing is a true and complete transcript of his steno-

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Before Commissioner Brackinridge, at Tahlequah, I.T., Supplemental G.F. 7-350, Joe Ross.

(By Stenographer: The following testimony was originally taken down by stenographer J.O. Reason, and afterwards dictated by him to stenographer M.D. Green.)

HENRY C. SHORT, being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give your full name? A Henry C. Short.

Q How old are you, Mr. Short? A 43.

Q What is your post-office? A Mound City.

Q In the Cherokee Nation? A In Kansas.

BY MR. EASTMAN:

Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.

Q What was your father's name? A John Short.

Q Were you living there in the years '66 and '67? A Yes sir.

Q Were you living in town or in the country? A Living in the country.

Q Do you know Douglass Walker that left the stand? A Yes sir.

Q Did you know a colored man by the name of Sam Webber up there?

A Yes sir.

Q Do you know that young Sam Webber, his son? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.

Q Have you talked to him? A Just spoke to him.

Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.

Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.

Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.

Q Did you live on the same place in the fall of '66? A Yes sir.

Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.

Q Well now what time in the fall did you move into it? A Well not it was the last of October ~~about~~ or the first of November, I won't say which; along about in them times I moved, that is, my folks moved; ~~about~~ ~~about~~ of course I was small, I moved there after that from the west part of the place to the east part of the place.

Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.

Q Were they living there when you moved? A That fall?

Q Yes sir? A They were living there then.

Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.

Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.

MR. EASTMAN: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.

Commissioner: We will take it for what it is worth and let the Commission pass on it.

BY MR. EASTMAN:

Q That is your best judgment? A Yes sir.

Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is one thing I have got you know.

Q Do you know Joe's sister, Chloa? A Yes sir, there was a girl there called Chloa, I supposed was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '65? A About 13 years old, that September 8, 1865.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now, he was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr. in February 1865? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1865.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather's wife.

Q That young Sam Webber? A Yes sir.

Q You say you know young Sam Webber, the younger one of the two?

A Yes sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken; wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber come to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1865 and located.

Q They came in 1865 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '65.

Q You don't know what time in '65 they were there? A They were there before '65.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '65 I think, directly after crops was made; they come down here and they went back together back up there in

the fall.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come down I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man came back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them there afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, and I think he told me he had his cabin built.

Q And then that final year when they took all the people out you think was in that time? A I don't know, but it runs in my mind as February or March; I was not anything about that.

Q What year? A '67.

Q You say you don't say anything about that? A I don't know whether it was or was not.

Q You don't know whether it was or was not? A No sir, that is a fact, but it runs in my mind it was.

Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.

Q Well did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know if? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I got something to fix the date.

Q You won't say that? A No sir.

Q Now can you remember about Sam Webber coming back in the up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course that date is a long time ago; now I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off of that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 13 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q How about that now, about the death in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.

Q You don't seem to be positive about any of these dates you give?

QA Why I do, when the family moved over, remember that fact.

Q I mean about Webber's movements? A They was all there in the fall of '66, they was all there in October or November one of the two months, because we moved then.

RE MR. HARRISON:

Q Now you never missed them up there in 1865 did you? A No sir.

MR. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.

Q That is your first recollection of them leaving? A Yes sir.

MR. H. SMITH, being sworn and examined by Commissioner Break-
furges, testified as follows:

Q "I'll give your name, Madam? A Mary A. Ricks is the wife I give my name.
Q How old are you? A I'm five. As the first of next month I will
be 47 years old.
Q What is your post-office? A Huxley.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Huxley, Kansas, Mrs. Ricks? A I
live six miles.
Q How long have you lived in that neighborhood? A Ever since the
spring of 1887.
Q You were living there then after the war? A Living there in
the time of the war.
Q Do you know Mr. Walker, Benjamin Walker, who was dead on the
stand? A Yes sir.
Q Do you know Mr. Webb that kept the saloon here? A Yes sir.
Q Mrs. Ricks, did you know of a man up there by the name of Sam
Webster? A Yes sir.
Q How far did you live from him just after the war? A Well I
think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webster? A Yes sir.
Q Well did you know a little short one called Aaron Webster? A
Yes sir.
Q Did you know a boy called Joe Ricks? A Yes sir.
Q Have you seen any of these parties since you have been here
this time? A Why I met Joe Ricks down there; he said he knew me and
came up and shook hands with me and I saw Sam Webster.
Q I will ask you to look at this is the same party now? A Well
I tell you Ricks don't favor himself so much, but Joe he is just like
his father and I knowed him because he is just like his father;
well old Uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the
fall of '88? A Yes sir.
Q What was the date of it? A The date of the death.
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look
I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but
I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of this family record book of births and deaths appear this:
"Franklin Ricks, was born November 7, 1884." A Yes sir.
Q And under the column of deaths appears: "Dead October 23, 1888"?
A That is correct.
Q The son Franklin Ricks? A He was my son.
Q Do you know where Sam Webster was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That Sam? A Oh, the old gentleman; he lived up there by me I
think I at least occasionally he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well at you know whether she was dead at the date of your son's
death? A Yes sir, she died I think before he died; there was an
old lady, they called her old Aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there
with them.
Q Well do you know whether she was there during the sickness of
your child? A Yes sir, she was up with me several times, and if it
was a bad night and she saw me was home, in she would come and sit
up with me.
Q Did you know a sister of Joe's called Ethel? A Yes sir.
Q Now I would like to have your best judgment Mrs. Ricks as to the
time the Sam Webster came with his family and children from that
country? A

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence. COMMISSIONER: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, now what is your best recollection as to the time Sam Webber and his family, when he moved from left Kansas with his family? A -

OBJECTING to be applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and Uncle Ory, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards of them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q He had recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I know.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam would go and worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?

Q You? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back some wood and manure for root.

Q Do you remember young Sam bringing some hides in to the community? A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Eick, about the time old man Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well now is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March I couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.

Q Where did you move from to this place that you live? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '67.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the one right here, the black one? A Yes sir.

Q What is his name? A Joe Sam we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A This Joe? I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.

Q You don't know where old man Sam Webber was in July '66 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You won't be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. BASTIKER:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

Joe Ross (sup'1) 11

JANE SPEARS, being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give me your full name? A Jane Spears.

Q How old are you? A I am 46 years old.

Q What is your last office? A Board City.

Q In the State of Kansas? A Yes sir, wound City, Kansas.

BY MR. BRACKINRIDGE:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?

A Yes sir.

Q How long have you lived in and about wound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.

Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.

Q You moved on the north of your new place? A Yes sir.

Q Do you know Henry C. Short? A Yes sir.

Q Is you know Henry C. Short? A Yes sir.

Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?

A Yes sir.

Q Do you remember his son Sam? A Yes sir, I know him.

Q Were you living with your mother at that time? A Yes sir.

Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A I met them to-day.

Q Talked with them some? A Well I just spoke to Joe; Sam I did not.

Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.

Q I will ask you if this is your mother's family Bible? A Yes sir.

Q That is the family record of the births and deaths? A Yes sir.

Q I will ask you if you had a brother by the name of Franklin Hicks?

A Yes sir.

Q Do you remember the date of his death? A Yes sir, October 23, 1866.

Q I will ask if you know where the Webber family was living at the time he died? A Yes sir, they were living there.

Q About how far from your mother's? A About 175 steps I suppose, in a cabin.

Q Short distance? A Yes sir.

Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.

Q I would like to know from you Mrs. Spears what your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. BRACKINRIDGE: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSIONER: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

A My best recollection is that it was in the spring of '67, either February or March.

Q Did you know whether or not young Sam Webber married up there?

A Yes sir.

Q Did you know whether that was before or after they left there?

A That was before they left there.

BY MR. BRACKINRIDGE:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q That's all what was? A '64, and then come back.

Q. I am going to ask you to go back with reference to the case, what time did they return to the house? A. They came off? A. They came

Q You have been a member of the A. L. C. for

Q. And you don't have one back with them? A. I don't

Q. Yes, but I don't know if he did or not. No, I won't be positive. I don't know if he did or not. I don't know if they came after their

Q. Did you leave when the other 500 left? Was this the first trip to the Chicago House after the war? A. Yes, this was the first in the fall of '66. I don't recall that there were any other summer or fall.

Q. Now, consider the case of A. I see you, sometimes along in the summer

Q Was not it have been the late spring? A No, it was not, because he made his own there and then and afterwards.

Q Made a crop in '62? A Yes.

Q. What did he do with that gun? A. I suppose he put it up here, disposed of it.

Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.

Q Where was Sam Webber Jr. in December, 1966? A I don't know where he was at.

Q. Where was he in January and February of '66? A. January or February of '66, I can't say.

Q. Where was he in July of '66? A. I don't know where.

Q Do you have any recollection of Sam Vasher Jr. coming there after his father in July 1968? A No sir.

Q. Do you have any recollection of Sam Webber coming there at any time with any hidden box, boxes or any kind of boxes? A. No sir.

Q Where was the old man Wether living in the year of 1862? A He was living there close to my mother's farm I speak of.

Q In 173 sheets of you? A Yes sir.

Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.

Q Now that makes you think it was in February or March '67 that these boys left there? A Well I have all reasons to believe that around there about 1967 the old daddy had a cane patch and the darker boys trapped on the land that winter.

Q Who did? A These darkey boys, the Webber boys.

Q Did what? A Trapper for the game that winter on the patch of cane where we had left the seed on the corn.

Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in that winter of course.

Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.

Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.

Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.

Q. So that a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A. Well it was along toward spring they left; that is the best of my knowledge.

Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A So sir, I fix it by memory, of course that is the way by the people, of this child's death, they were there then; that is, the family were, I don't re-

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monday, so much about the man; there was an old lady that moved down here and she set up with my brother in his sickness.

Q Do you remember Sam or bringing you any sassafras and epic switch?

A Yes sir.

Q When was that? A That was the first time they came down.

Q When was that? A That was '66.

Q What name? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A

(No answer.)

Q You say that they were gone from there before the spring of

'67, and it must have been in '66 they brought the sassafras? A

Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That was the first time they came down? A I don't know.

Q Well now don't you remember in the fall? A He used it for tea.

Q It was not in the fall at all Sam or brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Tell me as a matter of fact do you remember any one of these

people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the

place; I don't remember that other lady.

Q Well if they were you tell me who you saw except Rhoda the old

woman? A Well I don't know as I remember. There was Johnson's

wife, of course I don't just remember who was there, I was just a

child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was

sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you

remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I

don't know, I don't remember them, there was hardly any day but

what they was there, some of them.

Q Well now what I want to know, who was there except this woman,

Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Wethers make down here to this country,

do you know? A They came once and got claims and came back and

went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know

anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's

death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who

wrote that.

Q That is what I am talking about? A This was drawn off from

another Bible. think

Q You don't know that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

Q You don't know that this is in the same handwriting? A No sir,

it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's

death that entry was made? A No sir, I could not.

BY MR. HASTING.

Q How long has this Bible been in your mother's possession? A I

can't tell.

Q Has this entry been in here a long time to your knowledge? A

Yes sir, it has been several years.

Q It was in there before any investigation came up wasn't it?

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A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in 1852? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A. NICOLS, re-called for additional cross examination
BY MR. SMITH:

Q Mrs. Nichols, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was nothing.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q That was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSIONER: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. RASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. RASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross and others, Freedmen D-872, be made a part of the record in this case.

COMMISSIONER: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedmen Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedmen doubtful case 300, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

X 30 496

COLORED MAN
THE COMMISSION
I. I. Greenfield
VIA
NOV 21 1901

COLORED MAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 21 1901

[Signature]
ACTING CHAIRMAN

File with C. F. D-496, Chlora Grayson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C. F. D 380.

Appearances:

W. W. Hastings, for the Cherokee Nation.
Mallette & Smith for the applicants.

AT MR. HASTINGS: The Representatives of the Cherokee Nation was with the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 372, be made a part of the record in this case.

COMMISSIONER: It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen doubtful case 372, the same being the case of Jefferson Ross be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 450, of Chlora Grayson and in Cherokee Freedmen D 215, of Aaron Webber.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedman.

Appearances:

Mallette & Smith, attorneys for Applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Q. Smith: What is your name? A. Sam Webber.

Q. How old are you? A. About 58.

Q. Where do you live? A. I live two miles west of here.

Q. How long have you lived in the Cherokee Nation? A. I was born and raised here, and after the war came back.

Q. Do you know this applicant, Jefferson Ross? A. Yes, sir.

Q. Were you acquainted with him before the war? A. No, sir, I hadn't acquainted with him before the war.

Q. When did you first know him? A. I got acquainted with him just after the war.

Q. Where? A. Here in the Nation.

Q. About what part of the Nation? A. He came to my house there on Big Creek in the Nation.

Q. What time? A. Along in the spring of '65.

Q. Do you know of your own knowledge when he first came back to the Territory after the war? A. No, sir, I don't know of my own knowledge.

Q. Do you know where he was living at the time he came to your house?

A. He has been working on Snow Creek he claimed and he was on his way hunting his sister.

Q. Did you ever see him after you saw him that time? A. I put him on the trail down to his sister's and I never saw him for quite a little bit from that, when I saw him he was there on Lightning Creek.

Q. Did you see him there after a hat at his sister's? A. I saw him then often and on for two or about two years I guess.

Q. Where? A. There at Lightning Creek.

- Q By the Cherokee Nation? A Yes, sir.
- Q Was he a married or a single man at that time? A He was a single man to my knowledge.
- Q Do you know where he is living now? A No, sir, I don't.
- Mr. Hastings: You saw him around here for about two years?
- A Yes, sir.
- Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
- Q How long after that? A Must have been six months or a year after that I got him again there.
- Q You know where he was married? A No, sir, I can't tell you.
- Q Was he married at that time? A If he was I didn't know it.
- Q Did you know his wife? A No, sir, I don't know his wife.
- Q Did you ever see his wife? A Not to know it was here.
- Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
- Q What was her name? A Katie Thornton.
- Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
- Q What is his occupation? A I can't tell you.
- Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
- Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
- Q Has he got any special occupation like a carpenter? A Not as I know of.
- Q What is Katie Thornton's husband named? A Henry Thornton.
- Q Was that her husband at that time? A Yes, sir.
- Q With whom does this man stay now? A I don't know that.
- Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
- Q Did he have any children when you saw him? A I never seen them if he did.
- Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

- Mr. Hastings: Mr. Webber, when were you first married? A Then I first married, I married just a short while after the war, I don't remember what year.
- Q Before you came down here? A After I came down here.
- Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
- Q Well, you know what time of the year you were married? A I was married alone in the winter.
- Q Was that the same winter you came, or the winter of '67? A It was along about, it thowed in '67, it was after Christmas.
- Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
- Q What was your wife named? A My wife at that time was Rinda Martin.
- Q When did you commence keeping house? A I went in my house when I first came there.
- Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
- Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
- Q And you don't remember when that was, that time of the year? A Along after Christmas; I was already in the house.

EXHIBIT

E. D. Green, being first duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this November 16, 1901.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES

J. C. Clark
Notary Public

EXHIBIT

Supl.-C.F.D.1

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.

Q Where do you live, Mr. Bell? A Vinita, Indian Territory.

Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.

Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.

Q When did the railroad first come through that country, Mr. Bell?

A In 1871.

Q You know this applicant, Sam Beck? A No, I don't know him.

Q Don't know anything about him? A No, sir.

Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.?

A Well, I will tell you what I know about the railroad; The rail-
road came through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chatopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and the first cross-ties was cut on the railroad in this
country.

Q You don't know anything about the life of Beck or anything about
them? A No, I don't.

C. D. MARCHAM, being duly sworn testified as follows on
part of the Cherokee Nation:

MR DAVENPORT:

Q What is your name? A C. D. Marcham.

Q Where do you live? A At Tallahassee.

Q How long have you lived in the Cherokee Nation?

A I was born and raised here: never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in that years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWNE:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rossen.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

...

I, A. E. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. E. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

D. W. Hill
Notary Public.

F. D. 391.

To be filed with F. D. 400.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elisabeth Weigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
- Q What is your postoffice? A Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A Yes, sir.
- Q What is it? A County Clerk.
- Q Of the county in which Fort Scott is located? A Yes, sir.
- Q Have you an official paper? A Yes, sir.
- Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
- Q What was it? A The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A Yes, sir.
- Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)
- MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."
- MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
- COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Rigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott Mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suicidion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and P. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me if he was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey's door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone calling past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard the call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo: run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Vestly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Langrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be from Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for some time before his trial came off the prosecuting witness was unknown, and Mackey was discharged without trial. Let him be tried for the offense with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week has been filled with horrors, such as will, for long days to come, haunt the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered two citizens. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 25th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, William Coe, who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hayford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for depravity.

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed. For every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attack and against him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called John J. Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then ran down there and ran over him; I lit a match and this man drew his breath twice. From the way the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and ran down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of 1877? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched bands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour. I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A H. C. Jones.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 68.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
- Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City marshal, called town constable.
- Q You was a city policeman? A Yes, sir.
- Q Did you assist in his first arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that is present here? A Yes, sir.
- Q Did you hear the shots that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
- A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, and was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him?
- A You mean after?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q '67? A In '68 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.

Mr. Evans, the Cherokee Nation asks that all the testimony introduced in the case of *Arthur G. Evans*, D-316, with reference to the return of the Webster document, be introduced and made a part of the record in this case.

Mr. Evans: I am now the agent for the applicant and under the Commission to the Five Civilized Tribes from the records of this case all the testimony taken on this day, for the reason that it is incomplete, the present, and irrational and not the best evidence, it being a transcript of the Cherokee Nation, and the present of the representative of the Cherokee Nation, and the testimony filed.

This testimony will be read with and made a part of the record in the following Cherokee cases: No. D-394, D-395, D-396, D-401, D-403, D-404, D-407, D-413, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip C. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and correct copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip C. Reuter
Notary Public.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 30, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Seoville, representing E. B. Lawson, For applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Seoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers Commission on Citizenship," as follows

"No. 25 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 29. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed
on the 26 of June.
1st July act, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of

Lewis Whitire

vs

Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of its Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time the place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents this to the important examination of this Commission as are authorized so to do by law.

This June 26, 1870.

Lewis Whitmire,

By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the clauses of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire.

June 26, 1870.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," Page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)

vs)

Cherokee Nation.)

Tahlequah,

July 3, 1873.

Nike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois near lot, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 31st or 32nd, 1866. I left my family in Fort Scott when I came. I came down to get in a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moso, Dennis and Nelson Whitmire, and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Fryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistances. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Wick x Fields.

his mk.

Aaron Whitmire

vs.

Cherokee Nation.

called and sworn.

August 1, 1878.

Bluford Alberty, witness for claimant,

I reside in Coowascoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River Coowascoowee District.

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Viridicris. While out there I fell in with a party of seven or eight persons and was carried with others near San Croughen. I did not go to the camp. They were colored people. I later left of them. Their names were, old Sam, Robber, Aaron Whitire, and a younger brother and Louis Whitire. There was another person whom I was told was a leader. I do not recollect any of the others and can not identify them. The Whitires were Johnson and George Whitire, Aaron, Louis and another belonged to George. In conversation with Sam Robber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves up or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river. I told him there was none there, but that there was a lot of government flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others who had remained in Kansas, to build them homes and go South. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at this time. I recollect as I camped out at night. Did not see any of these parties after this 1st, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitire boys. They were owned in the Nation and resided here up to the breaking out of the war.

H. W. Alberty.

Aaron Whitire

vs

Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Panson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neesho in coming down at Holans's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lighted Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that come with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigh, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on first Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Tros. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom, Daniels, Tuck Sanders, Peter Heigh and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation; at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melisa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Albany as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented him rather on the first trip in 1866. Witness is about 53 years old. Major Wright was an old man at the close of the war. Dennis Whitmire had been back to the Nation before 1865.

Attest

D. L. Nicholson,
Clerk.

Monex Whitmire,
Mark.

Case 63.

Aaron Whitmire & family)
vs
Cherokee Nation.

claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to on the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitnire,

By Atty Em. P. Foudinot.

Aaron Whitnire

vs

Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coovesocowoc, C. N. I'm a citizen of the Nation. From August up to Christmas 1866 I was at the Ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the Ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitnire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kansas, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Hobbs gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Sam Hobbs as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the first of October, 1866. I am positive it was before Christmas as I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed there about the year 1866. I was a settler and knew that
 there was a settlement of colored people there. I saw several of them
 and they told me that they had been there for some time. I saw
 them over the river. I saw them in their families with their
 time I crossed in the country at that time.

Aaron Whitmire
 Vs
 Cherokee Nation. May 4th 1870.

Witness met claimant near Fort Gibson in Nov. or Dec. 1866.
 Met him at the P. M. station on Grand River.

Witness had a conversation with claimant at the ferry in which
 claimant said he was on his way to going south his father had in
 the Nation and some of claimant's brothers were killed in the war.

Witness is a settler of the Nation and knew claimant before
 the war.

Attest: D. L. Nicholson, clerk. W. H. Nicholson.

Aaron Whitmire
 Vs
 Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Gang Snake Dist.
 This Dist. borders on the line of the State of Ark.

Claimant now resides near the western line of the Cherokee
 Nation. The settlement before the war was sparse where claimant
 now resides. I would say the distance from where George Whitmire
 resided prior to the war, and claimant's present residence is 80 or
 100 miles. Witness states that he had a conversation with Sam
 Fisher in which Fisher assigned as a reason for settling where he had
 was that Agent Jones advised the colored people after their freedom
 to settle in colonies or as thickly as it was convenient to go in an
 uncultivated part of the country.

This was thought best for the colored man so they could have
 their own schools as until matters were more regulated in the country.
 The first conversation was in the fall of 1866. The second
 conversation was in the spring of 1867. I saw several of their
 families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy the old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man. I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet, industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 283."

Aaron Whitmire et al.) July 16" 1878.

vs

Cherokee Nation.

John Riley,

sworn as witness for Deft. I live in Coover's Covee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Pot & Keigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of none who come in Sept. '66 for that purpose. I know where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Albany being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.

Randolph Riley.

(page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Chairman and others of this Colored party told witness that they returned in March 1867 to the Nation.

By Direct

I learned from John Baker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1865. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1865 is my information. It might have been July 10, 1866.

Witness went South during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Liberty.

Attest

D. L. Nicholson.

Clerk.

Aaron Whitwire

vs

Cherokee Nation.

Taken on May 16, 1872.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of chairman contained in the above named case.

John F. Lyons,
Atty for C. N.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1862.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1862.

Arthur G. Evans
Notary Public.

To be filed with F-D-496, Chlora Grayson.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. May 28, 1902.

In the matter of the application of Joe Ross for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-350.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken in the case of F. D. 818, in the case of Freedman Doubtful 391, together with the testimony of Reuben Sanders in the case of F. D. 391 be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reasons that the same is hearsay; that the same is not the best evidence; that the same is incompetent in the manner and form offered; that the same was not taken under the rules of this Commission relative to notice to the applicant in this case and opportunities for cross examination.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

COMMISSION: This testimony will also be filed with and made a part of the record in the case of Chlora Grayson, D-496, represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 9th day of July, 1902.

(SEAL)

(Signed) P. G. Reuter.
Notary Public.

I, the undersigned being first duly sworn, as stenographer to the Commission to the Five Civilized Tribes do hereby swear that I made the above and foregoing copy and that it is a true and correct copy of the original transcript.

Francis D. Hite

Subscribed and sworn to before me this 6th day of August, 1902.

James C. Jones

Charles D. Landon

Handwritten signature

FILED
JUN 24 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GERTRUDE GRAYSON as a Cherokee freedman.

It appears that on May 13, 1904, Joe Ross, applicant's attorney and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at Muskogee, Indian Territory, at nine o'clock A. M., on June 16, 1904, and introduce testimony touching the points mentioned in said letter, and on May 21, 1904, upon motion of the attorney for the Cherokee Nation, the case was continued for one day, and on this the 17th day of June, 1904, the following testimony was introduced.

APPEARANCES:

Applicant represented by Joe Ross.
Cherokee Nation by its attorneys W. W. Hastings and L. B. Bell.

JOE ROSS, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Joe Ross.
Q How old are you? A 34 or 35.
Q What is your postoffice address? A Choteau.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Chlora Grayson? A Yes, sir.
Q What relation is she to you, if any? A She is my sister.
Q Has she a child named Gertrude Grayson? A Yes, sir, Gertrude, that is her grandchild.
Q Is that child living? A Yes, sir.
Q With her? A Yes, sir.
Q Where does Chlora Grayson live? A With me at my house.
Q How long has she lived there? A About 18, ever since the death of her husband.
Q Where was Gertrude Grayson born? A In Illinois District.
Q Cherokee Nation? A Yes, sir.
Q How old is she now? A About twelve years old.
Q What was the name of her mother? A Louisa Grayson, that was her maiden name.
Q That was the child of Chlora? A Yes, sir.
Q When did Gertrude's mother die? A Her mother has been dead; she died directly after the Dickson Payment; been dead about five years.
Q With whom has Gertrude Grayson lived since birth? A Her grandmother, Chlora.
Q And her grand-mother has lived with you for the past 18 years in the Cherokee Nation? A Yes, sir.
Q Who was the father of this child, Gertrude? A Amstead Foster.
Q Is he living? A Yes, sir.
Q Is he a Cherokee freedman? A Yes, sir.
Q How old is he now? A I couldn't tell you?
Q About how old do you think he is? A I think he is about 35, between 35 and 40.

Gertrude Grayson, 2.

Q Do you know whether or not his name appears upon the 1880 roll?

A Yes, sir.

Q On the 1880 authenticated roll? A Yes, sir, according to my knowledge.

Q What was the name of Armstead's father? A Randall Foster.

Q What was the name of Armstead's mother? A I don't know his mother.

Q Where was Armstead living 23 years ago, when the 1880 roll was made? A If I make no mistake he was living in Tahlequah District, on 14 Mile Creek.

Q With whom was he living at that time? A When I saw him there he was at Foster's house on 14 Mile Creek.

Q Is Armstead Foster married now? A Yes, sir.

Q What is his wife's name? A She is a Creek citizen; I don't remember her name.

Q What is Armstead Foster's present postoffice address? A It seems to me he gets his mail at Inola, and did have a postoffice sometime ago by the name of Trainer.

Q Has he any children by this wife who is a Creek citizen? A Yes, sir.

Q How many? A One or two.

Q Do you know their names? A No, sir.

Q Armstead Foster and the mother of this child were not married?

A They just took up together and were not legally married; he was just fooling around there and got this child by her

Upon examination of the Commission's records it appears that Armstead Foster, the father of the child, Gertrude Grayson, has been listed for enrollment on Cherokee freedman card D 907.

By Mr. Hastings:

Q Did she ever have any other child except this one? A Yes, sir.

Q By other people? A By her next husband.

Q She wasn't married when she had this child? A No, sir.

Q Never had been married? A No, sir.

Q Had she had any children before? A No, sir, that was the first.

By the Commission:

Q You want to make some statement, do you, as to the right to enrollment of your sister, Chlera Grayson, as a Cherokee freedman?

A Yes, sir.

Q State whatever you desire. A Well, Chlera Grayson returned here the same time I did, in the fall of 1866 with me, Sam Webber, Sr., who was our grand-father, Sam Webber, Jr., who is our uncle, and we remained here ever since from that time until now. She was only about 16 years old when we returned and was not married.

By Mr. Hastings:

Q Did she come with you when you brought your family? A I didn't have a family.

Q When all the crowd brought their families? A She come the first time old Sam Webber come.

Q She come at the time other women and children were brought here?

A Yes, sir, she come with the families.

Q Sam Webber's family was along? A Yes, sir.

Q Reuben Sanders was along? A He wasn't there.

Q How many were along of the women and children? A Betsy Meigs, Peter Meigs' wife, Peter Meigs, George Meigs, Lewis Meigs----

Q Their wives all of them? A Never had no wife. Peter Meigs had a wife.

Q Sam Webber had a wife? A Yes, sir.

Q This Sam that was here to-day? A Yes, sir.

Q You are certain? A Yes, sir.

Gertrude Grayson, 3.

Q That was 1866? A Yes, sir.

Q Don't you know that he wasn't married until 1867? A Don't know it.

Q You know he had his wife along? A Yes, sir, and slept with her every night.

Q And that was along with that crowd, you come near Mound City?

A Yes, sir, from Mound City.

Q Did you know Mrs. Labrum that was down here? A Yes, sir, the old lady that had the people.

Q You knew her husband? A Yes, sir.

Q And you knew her son? A Yes, sir, I knew them.

By Mr. Hastings:

Comes now the Cherokee Nation and asks that the judgment of the Commission in the case of Daniel Whitaire, Freedmen Doubtful 434, be introduced and made a part of the record in this case, for the reason in that, and also in the case of Phyllis Whitaire, Freedmen R 354, formerly Freedmen D 431, Voluminous testimony was introduced and the Commission determined a time when this Webber detachment should have come to the Cherokee Nation first after the Civil War. I would ask also that the judgment in the case of Phyllis Whitaire, hereinabove referred to, be introduced and made a part of the record in this case.

Commission:

The request of the Cherokee Nation will be complied with and copies of the decisions above referred to will be filed with and made a part of the record in this case.

O-O-O-O-O-O-O-O

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 24th day of June, 1904.

Charles D. Sawyer

Notary Public.

Cherokee Freedman D 411.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. F.P.T.
OR

In the matter of the application of Phyllis Whitmire for enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on May 29, 1901, Phyllis Whitmire appeared before the Commission at Chelisea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 28 and 29, 1902. The evidence taken in the case of Edward Wright, Cherokee Freedman D 818, at Muskogee, Indian Territory, March 1, 1902, is filed with and made a part of the record in this case.

The evidence shows that Phyllis Whitmire was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of the Cherokee Nation and did not return thereto until after January 19, 1867. Her name is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Phyllis Whitmire for enrollment as a Cherokee Freedman should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby, Chairman.

" T. E. Needles, Commissioner.

" C. R. Breckinridge, Commissioner.

" W. E. Stanley, Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1903

FILED
JUN 24 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedman B 434.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

N.P.T.

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In the matter of the application of Daniel Whitmire for enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on May 29, 1901, Daniel Whitmire appeared before the Commission at Chelmsa, Indian Territory, and made personal application for enrollment, among others, of himself as a Cherokee Freedman. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 4, and May 26, 1902.

The evidence shows that the applicant, Daniel Whitmire, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, afterward returning thereto with Peter Neigs and Sam Webber and their families and claims that said return was in the fall of 1864; but the Commission has found, in the case of Elizabeth Neigs, Cherokee Freedman B 372, that, though Peter Neigs, together with Sam Webber and others, returned to said Nation prior to January 19, 1867, they did not bring their families with them until a subsequent trip made in February or March of 1867. Hence, it appears that the said Daniel Whitmire, who came with said families, did not return to the Cherokee Nation within six months after July 18, 1864, and his name is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Daniel Whitmire, as a Cherokee Freedman, should be denied under the provisions of section twenty-one of the Act of Congress approved June 26, 1896 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby, Chairman.

" T. B. Needles, Commissioner.

" C. R. Breckinridge, Commissioner.

" W. E. Stanley, Commissioner.

Muskogee, Indian Territory,

this JUL 1 - 1902

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28

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross.....	Cherokee Freedmen D-350
Chlora Grayson, et al.,.....	Cherokee Freedmen D-498
Aaron Webber,.....	Cherokee Freedmen D-216
Elizabeth Meigs,.....	Cherokee Freedmen D-391
George Meigs, Sr., et al.,.....	Cherokee Freedmen D-394
John Meigs,.....	Cherokee Freedmen D-396
Flemings Meigs,.....	Cherokee Freedmen D-398
Irene Hanks, et al.,.....	Cherokee Freedmen D-401
Hattie Carell, et al.,.....	Cherokee Freedmen D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen D-404
Harriett Webber, et al.,.....	Cherokee Freedmen D-407.
Moses Webber,.....	Cherokee Freedmen D-408
Wesley Webber,.....	Cherokee Freedmen D-409
Edward H. Webber,.....	Cherokee Freedmen D-410
Samuel Beck, et al.,.....	Cherokee Freedmen D-775
Edward Wright,.....	Cherokee Freedmen D-818
John Wright,.....	Cherokee Freedmen D-834

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chlora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flemon Hanks; by Hattie Carell, for herself, her sister, Fatie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Hattie, Charity, Mollie, Ben and Dolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie M., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber, for himself; by Edward H. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Luquittle; by Edward Wright, for himself; and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chlora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion; and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward M. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chlora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carell, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

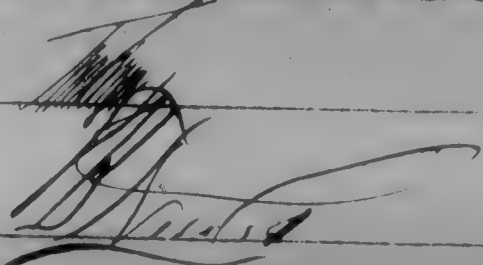
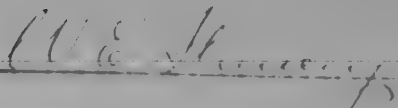
Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Harriett Webber, Millie W. Webber, Moses Webber, Wesley Webber, Edward W. Webber, Mary Beck, Inquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Carrell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Flemon Hanks, Chlora Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


C. R. Bucklin


Muskogee, Indian Territory,

this JUL 10

C. M. McR.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of ---

Joe Ross,	Cherokee Freedmen D-360,
Chlora Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber	Cherokee Freedmen D-816,
Elizabeth Meigs	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carrell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Noses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward M. Webber	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-778,
Edward Derriack	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-824.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flossie Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber, and minor ward, Hattie Webber; by Noses Webber for himself; by Wesley Webber for himself; by Edward M.

Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Inquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lissie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Menas Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Hattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Meigs, Jr. John Meigs, Fleming Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Powers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flenon Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Caroll, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elisabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elisabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Clara Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstrong Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Hese Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie

Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Inquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Salara Grayson, Elizabeth Neige, George Neige, Sr., George Neige, Jr., John Neige, Flamingo Neige, Irene Neige, George Neige, Flamen Neige, Mattie Neige, Katie Neige, Nathan Neige, Henry T. Neige, Harriet Neige, Willie N. Neige, Mattie Neige, George Neige, Nealey Neige, Edward N. Neige, Mary Neige, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) John B. Bixby
Chairman.

(Signed) T. B. Woodley
Commissioner.

(Signed) G. B. Brantley
Commissioner.

Noted at Muskogee, Indian Territory,

this APR 17 1906

(COPY).

C.M.NoR.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Joe Ross, et al.,
for enrollment as Cherokee Freedmen, consolidating the applica-
tions of ---

Joe Ross	Cherokee Freedmen D-380,
Chlera Grayson, et al.,	Cherokee Freedmen D-494,
Aaron Webber,	Cherokee Freedmen D-216,
Elizabeth Meigs,	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Nattie Carroll, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber, et al.,	Cherokee Freedmen D-407,
Necos Webber,	Cherokee Freedmen D-408,
Venley Webber,	Cherokee Freedmen D-409,
Edward W. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-778,
Edward Derrick,	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlera Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Nattilda Meigs, and his minor son, George Meigs, Jr., (the said Nattilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flenon Hanks; by Nattie Carroll for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Nattie, Charity, Nellie, Ben and Delle Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie W. Webber, and minor ward, Nattie Webber; by Necos Webber for himself; by Venley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 2, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had

in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedman D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lissie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedman D-618, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber, and

Edward H. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedman D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Meigs, Jr. John Meigs, Flemings Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flenon Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Mattie Carroll, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedman D-404, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs.

the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitnair, and his step-father, Moses Whitnair, at the time the Whitnairs and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chlora Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flenon Hanks, Mattie Carroll, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) JAMES HIXBY,

Chairman.

(Signed) T. H. NEEDLES,

Commissioner.

(Signed) C. R. BRACKINRIDGE,

Commissioner.

Dated at Muskogee, Indian Territory,

this APRIL 17, 1905.

LAURENCE LINDENBERG

NOVEMBER 1914

Presented to the court before the undersigned

and for the said District of Columbia

Testimony of the said

and at the office of the undersigned

and at the office of the undersigned

and at the office of the undersigned

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DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of -----

Joe Ross,	Cherokee Freedmen D-380,
Chlera Grayson, et al.,	Cherokee Freedmen D-406,
Aaron Webber,	Cherokee Freedmen D-216,
Elizabeth Meigs,	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carroll, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber, et al.,	Cherokee Freedmen D-407,
Moses Webber	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward H. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick,	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

MOTION FOR REHEARING.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Joe Ross for himself, by Joe Ross for his sister, Chlera Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (the said Matilda Meigs being differently classified, was not embraced in the decision in this case); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which was made a part of the record, was filed with the Commission showing the birth of Flenon Hanks; by Hattie Carroll for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself,, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record in the case, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber,

and minor ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward H. Webber for himself; by Samuel Beck for himself, his wife, Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself;

That on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlara Grayson, et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the applications for the enrollment of Chlara Grayson, et al.

The Commission to the Five Civilized Tribes by its decision dated April 17, 1903 found that Joe Ross, Chlara Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck, and Edward Wright were slaves of Cherokee citizens at the commencement of the war of the rebellion, and that during said rebellion they left the Cherokee Nation. The said Joe Ross, Peter Meigs and Sam Webber, Sr., returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas with their families, and the Commission found from the testimony now of record that they removed with their families to the Cherokee Nation during the latter part of February or the first of March, 1867, and in accordance with this finding the Commission was of the opinion that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lissie Alberty, Mattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck should be enrolled as Cherokee Freedmen; and the Commission was further of the opinion that the applications for the enrollment of Chlara Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flomen Hanks, Mattie Carroll, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M.

Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 20, 1898.

Reporting on June 19, 1905, the Indian Office recommended the approval of the Commission's decision. On June 25, 1906, the Honorable Secretary of the Interior in Departmental letter of that date affirmed the decision of the Commission and authorized the Commissioner to the Five Civilized Tribes to enroll as Cherokee Freedmen the persons whose names were mentioned in the decision as being entitled to enrollment, and denied the applications for the enrollment of those whose applications were denied by the decision of the Commission.

NOTICE--Comes now the applicants, Calera Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flamen Hanks, Hat tie Carrell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Edward Derrick, and John Wright, whose applications were denied by Departmental letter of June 25th, 1906, and move the Department to grant them a rehearing in this case in order that the newly discovered testimony might be introduced in their behalf to show that they returned to the Cherokee Nation in good faith and were on February 11, 1867 "actual personal bona fide residents of the Cherokee Nation" and that they continued to reside in the Cherokee Nation thereafter.

We represent only those persons whose applications for enrollment have been denied and we therefore request that this Notice shall not apply in any manner to the persons who have been adjudged entitled to enrollment in this case.

RESPECTFULLY SUBMITTED,

Starr & Patton

ATTORNEYS FOR APPLICANTS.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
NORTHERN DISTRICT } ss.

J. C. STARR, of lawful age, being first duly sworn, on his oath deposes and says that he is one of the Attorneys for the applicants in this case and that he has read the statements made in the foregoing Motion for rehearing and states that this Motion is made in good faith, not for the purposes of delay, but in order that justice might be done.

J. C. Starr

Subscribed and sworn to before me this 18th day of August, 1906.

Copy J. J. Farro
UNITED STATES COMMISSIONER FOR THE
SOUTH DISTRICT OF THE INDIAN
TERRITORY.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. SS.

Personally appeared before me the undersigned Notary Public, within and for the Northern District of the Indian Territory, Dunk Vann, who being by me duly sworn upon his oath says:

"My name is Dunk Vann, my age is 56 years, and my post office is Lone Oak Indian Territory. I am a duly enrolled Freedman Citizen of the Cherokee Nation and my name is on the 1880 Roll, and I have received my allotment of land. I knew Peter Meigs before the war, and I knew him until the time of his death; I personally saw Peter Meigs and his entire family when he was moving from Kansas to the Cherokee Nation.

I know that he came from Kansas to the Cherokee Nation with his family in the fall of 1866, for I saw him on the road and talked with him, and I definitely know and remember when he crossed the Kansas line into the Cherokee Nation. I was with him and saw him come into the Cherokee Nation. I left him shortly after he crossed the line and I went to my home on Spring Creek, and he, Peter Meigs, came to Big Creek. I know that he lived and remained in the Cherokee Nation continuously after this time in the fall of 1866 until his death. I am not of kin to any of the applicants and have no interest in this case.

Dunk Vann

(SEAL)

Subscribed and sworn to before me this 20th day of September, 1906.

John A. Kidd,
Notary Public.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT, SS.

Personally appeared before me the undersigned Notary Public, within and for the Northern District of the Indian Territory, Stephen Little of lawful age, who being first duly sworn, on his oath says:

"My name is Stephen Little, my age is 83 years, and my post office is Lenapah, Indian Territory. I am a native of Kentucky, and am not a citizen of the Cherokee Nation, and have no claim whatever to citizenship in the Cherokee Nation. I was a soldier in the Civil war, in the Union Army, I was a Quarter-master under Col. Cload in the 4th Kansas Regiment and was discharged at Ft. Scott, Kansas in 1862, and reenlisted under Col. Douglass, and was discharged ~~at~~ the next day after the assassination of President Lincoln. I settled on Snow Creek, Cherokee Nation April 4, 1866 and have lived here ever since. I knew Peter Meigs, and his family. I first became acquainted with Peter Meigs in the army, and the first time I saw him in the Cherokee Nation after the war was early in the spring of ~~1866~~ 1867. At this time I was living on Snow Creek, in the Cherokee Nation, and early in the Spring of 1867 I had lost some cattle and was up on Big Creek hunting them, and while on Big Creek on this trip I was at Meigs's place, and saw him and talked with him and his family. He was living on a place he had made there and had a house built, and from all appearances things looked like he must have been there for several months or longer. I know that Peter Meigs was living on Big Creek, Cherokee Nation early in the spring of 1866 with his family, and from the improvements he had made on this place, he had been there quite a while then. I know that Peter Meigs and his family have lived continuously in the Cherokee Nation ever since I was not living in the same neighborhood that Meigs (were and had not been in this Big Creek settlement before this time, and that is the reason that I did not see him until the spring of 1867. I am not of kin to the applicants, and have no interest in this case.

his
Stephen X Little
mark.

Witness to mark.
W. E. Twichell

Subscribed and sworn to before me this 19th day of September, 1906.

My commission expires
October 24, 1909.

W. E. Twichell
Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Chlora Grayson,
Catoosa, I. T.

Cherokee F-D-496

Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,

Commissioners.

7B J. 496
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN - 8 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 3 1901

Post Office *Cherokee*

District *Creek Nation*

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father *Roubtful* Citizenship _____

Mother _____ Citizenship _____

2. Name of wife *Clara Grayson* Age *52*

Owner's name *Wm. Foster* Citizenship *Cherokee*

Year *K.L.* Page *104* No. *2605* District *Co.*

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

3. *Gertrude Grayson* Year *K.L.* Page *100* No. *250* Dist. *Co.*

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by *See Ross (brother)* Stenographer *E.C. Rothenberg*

1 On K.L. roll as *Clara Grayson*

2 " " " " *Gertrude Foster*

See if these parties are enrolled as Creeks

X Ref. D. 350

Cherokee Freedmen
D-350, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elisabeth Meigs, Andrew, Lizzie, Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward H. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carroll, Katie, Nathan and Henry T. Meigs, Irene, George and Flemen Hanks, Chlora and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

E. D. Woodlee.

Enc. H-22.

Commissioner in Charge.

COPY.
Cherokee Freedman
D-496

Muskogee, Indian Territory, August 17, 1903

Chlers Grayson,

Lawson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your minor grand child, Gertrude Grayson, as Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. B-111
Register.

Commissioner in Charge.

Cherokee Freedmen
2-300 et al.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Weigs, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dolly and Ted Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward M. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Weigs, Jr., George Weigs, Jr., John and Fleming Weigs, Mattie Carell, Katie, Nathan and Henry T. Weigs, Irene, George and Fleming Hanks, Chloris and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-113

Cherokee Freedmen
D-350-496

COPY.

Muskogee, Indian Territory, August 17, 1903

Edgar Smith,
Attorney for Joe Ross et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, the application of Joe Ross for the enrollment of himself, and rejecting the application of Chlora Grayson for the enrollment of herself and her minor grand child, Gertrude Grayson, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

Cherokee Freedmen D-496

Muskogee, Indian Territory, August 31, 1903

The Honorable

The Secretary of the Interior.

Sir:

It is requested that the record in the matter of the application for the enrollment of Clara Grayson et al., as Cherokee freedmen, be returned to the Commission. Since the signing of the Commission's decision the father of Gertrude Grayson has been identified on the 1880 authenticated roll of the Cherokee Nation, and she should therefore be enrolled as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Land
53858-1903
56859-1903.
61805-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

A.C.T.

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al., case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.
Commissioner.
A.C.T.

G.A.V.-L.C.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AVESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-496 & D-907.

Muskogee, Indian Territory, October 17, 1903.

Armstead Foster,

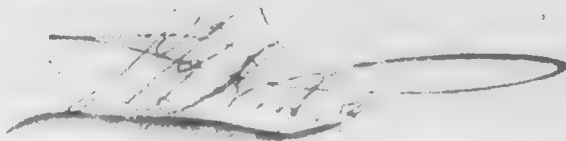
Inola, Indian Territory.

Dear Sir:

In the matter of the applications for your enrollment and that of Gertrude Grayson (or Foster) as Cherokee freedmen, you are advised that before a decision can be prepared in these cases further testimony is required as to your 1880 enrollment, and as to the residence of Gertrude Grayson since birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,



Commissioner in Charge.

Copy

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 15, 1904.

Land
43334-1904.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes, dated July 10, 1903, forwarding the record relative to the application of Daniel Whitmire, as a Cherokee freedman. The record in this case shows that Daniel Whitmire was the slave of a Cherokee citizen at the commencement of the war; that he left the Cherokee Nation and afterward returned with Peter Meggs and Sam Weber and their families, but it does not appear that he returned within the time limit fixed by the treaty of 1846, and the approval of the Commission's decision of July 10, 1903, adverse to him, is recommended.

Very respectfully,

A. C. Tonner.

Acting Commissioner.

G.A.W.-I.C.

D.C.-13484-1904

Copy

DEPARTMENT OF THE INTERIOR

FILE

I.T.D. 2294-1904.

Washington, April 26, 1904.

SRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 1, 1903, you rejected the application of Daniel Whitmire for enrollment as a Cherokee Freedman. You stated that the applicant claimed to have returned to the Nation in 1866, with Peter Meggs and Samuel Weber, but that you had found, in the case of Elizabeth Meggs (Cherokee Freedman D-391), that though Peter Meggs, together with Sam Weber and others returned to the Nation prior to January 19, 1867, they did not bring their families with them until a subsequent trip made in February or March, 1867.

As you have been advised that you are in error as to the period of six months provided in the treaty of 1866; that the six months period did not expire until February 11, 1867, and as the Department has been verbally informed by the Indian Office that the papers in the case of Elizabeth Meggs have been returned to you upon your request, the papers in the case of Daniel Whitmire are returned herewith for readjudication.

A copy of the Acting Commissioner of Indian Affairs letter of March 16, 1904, submitting the case, in which it is recommended that your decision be concurred in, is inclosed.

Respectfully,

Signed Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D 496

Muskogee, Indian Territory, May 13, 1904.

Edgar Smith,

Attorney for Chlora Grayson, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment as Cherokee freedmen of Chlora and Gertrude Grayson, you are advised that the Commission's decision of July 10, 1903, rejecting, among others, the above named persons, was remanded by the Department at the Commission's request in October, 1903, in order that additional testimony might be taken tending to show what right, if any, Gertrude Grayson may have through her father, Armstead Foster.

You are advised that Joe Ross, Choteau, Indian Territory, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 16, 1904, and introduce testimony as to the identity of the said Armstead Foster, as to whether or not his name appears upon the 1880 authenticated Cherokee roll, and as to the residence of the said Gertrude Grayson since her birth.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 13, 1904.

Joe Ross,

Choteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment as Cherokee freedmen of Ohlora and Gertrude Grayson, you are advised that the Commission's decision of July 10, 1903, rejecting, among others, the above named persons, was remanded by the Department at the Commission's request in October, 1903, in order that additional testimony might be taken tending to show what right, if any, Gertrude Grayson may have through her father, Armstead Foster.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 16, 1904, and introduce testimony as to the identity of the said Armstead Foster, as to whether or not his name appears upon the 1880 authenticated Cherokee roll, and as to the residence of the said Gertrude Grayson since her birth.

Respectfully,

Chairman..

Cherokee Freedmen
D 496

Muskogee, Indian Territory, May 13, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment as Cherokee freedmen of Chlora and Gertrude Grayson, you are advised that the Commission's decision of July 10, 1903, rejecting, among others, the above named persons, was remanded by the Department at the Commission's request in October, 1903, in order that additional testimony might be taken tending to show what right, if any, Gertrude Grayson may have through her father, Armstead Foster.

You are advised that Joe Ross, Choteau, Indian Territory, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday June 16, 1904, and introduce testimony as to the identity of the said Armstead Foster, as to whether or not his name appears upon the 1880 authenticated Cherokee roll, and as to the residence of the said Gertrude Grayson since her birth. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Cherokee Freedmen
D-496.

Muskogee, Indian Territory, May 21, 1904.

Joe Ross,

Choteau, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of Chlora and Gertrude Grayson as Cherokee freedmen, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in said case.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-496.

Muskogee, Indian Territory, May 21, 1904.

Edgar Smith,

Attorney for Chlora Grayson et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Chlora and Gertrude Grayson, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

Chlora Grayson has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in her case.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-496.

Muskogee, Indian Territory, April 17, 1905.

Chloris Grayson,

Catoosa, Indian Territory.

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the application for the enrollment of yourself, and granting, among others, the application for the enrollment of your grandchild, Gertrude Grayson, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-57
Register.

SIGNED *Tams Bix*
Chairman.

COPY.

Cherokee Freedmen
D-350, et al.

Muskogee, Indian Territory, April 17, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905 granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Laquittie Beck, and rejecting the applications for the enrollment of Chloera Grayson, Elizabeth, George Sr., George Jr., John and Flemings Weigs, Irene, George and Flenon Hanks, Hattie Carell, Katie, Nathan and Henry T. Weigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-63.

Respectfully,
Tams Dixey.
Chairman.

COPY.

Cherokee Freedmen
D-250, et al.

Muskogee, Indian Territory, April 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dallis and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chlorea Grayson, Elizabeth, George Sr., George Jr. John and Fleming Weigs, Irene, George and Flemen Hanks, Hattie Carell, Katie, Nathan and Henry T. Weigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED). *Tams Dixey.*
Chairman.

Incl. S-64

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen

D-350, et al.

Muskogee, Indian Territory, April 17, 1905.

Edgar Smith,

Attorney for Joe Ross, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting, among others, the application for the enrollment of Joe Ross and Gertrude Grayson, and rejecting, among others, the application for the enrollment of Chloa Grayson, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-60
Register

(SIGNED).

Tame Dixby.
Chairman.

C O P Y .

Land.
30769-1905.
43223-1905.
44630-1905.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs
Washington.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister, Chlora Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flemon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward E. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

April 17, 1905, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlera Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flenon Hanks, Hattie Carrell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses, Wesley and Edward N. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Flemings Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flemon Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carrell, Katie, Nathan and Henry T. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Hess, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 7532-1905.

8884- "

8900- "

June 25, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlera Grayson et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr. et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carrell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905.

There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Hattie Carrell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward N. Webber, Harriet Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1908, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the records, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lissie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Puquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlera Grayson, Elizabeth Maigs, George Maigs, Sr., George Maigs Jr., John Maigs, Flemings Maigs, Irene Hanks, George Hanks, Flemen Hanks, Mattie Carrell, Katie Maigs, Nathan Maigs, Henry T. Maigs, Harriet Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Edward Derriak, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson.

1 inclosure.

Assistant Secretary

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7
HMP

Cherokee freed-
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,
Attorney for Joe Ross, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlorea Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-7
MMP

Commissioner.

Cherokee freed-
men D. 380 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-6
MMP

Commissioner.

Cherokee freed-
man D. 496

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 6, 1906.

Chlora Grayson,
Catoosa, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman and granting, among others, the application for the enrollment of your grandchild, Gertrude Grayson, as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case, was denied by the Department on the above date.

You are further advised that you will not be permitted to make an allotment selection for your grandchild until her name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,



Commissioner.

MMP

Cherokee freedman
1823.

Muskogee, Indian Territory, August 25, 1906.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Application has been made to this office for the enrollment as a Cherokee freedman of Gertrude Grayson, aged about 14 years at the present time, child of Armstead Foster and Louisa Grayson.

This office is informed by Joe Ross, who made the application for the enrollment of this child, that the name of Gertrude Grayson is upon the Cherokee tribal rolls, and that her mother, Louisa Grayson, under the name of Louis Tolbert, appears upon the partial rolls of Creek freedmen. He also advises that Gertrude Grayson is sometimes known as Gertrude Tolbert and Gertrude Foster.

You are requested to make a thorough examination of your records and ascertain whether or not application has been made for the enrollment of said Gertrude Grayson as a citizen of the Creek Nation, and if so, to advise the status of her application.

Respectfully,

F.A.

Acting Commissioner.

Cherokee Freedmen
R 811

Muskogee, Indian Territory, August 30, 1906

Starr and Patten,

Attorneys for Chlora Grayson et al.

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on August 20, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Chlora Grayson, et al., Cherokee freedmen R 811.; also, on the same date and enclosed with the same communication, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Luella Snaden, et al.

These motions will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, December 27, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patten, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee freedman consolidated case of Joe Ross et al. No. D 350 et al., insofar as it rejects the applicants Chlera Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions

Secretary-2

to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

June 28, 1906 (I.T.D. 7834-8684-8900-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is

Secretary-5

based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the Commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

There is enclosed a motion filed August 24, 1906, by Zevely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137), she can not claim

Secretary-4

a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner

(COPY)

Refer in reply to the following:

Land.
78-1907
2937-1907
53921-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlora Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Dunk Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. D. 7538, 8884, 8900-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case of Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Bixby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlora Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

AJW-D

(COPY)

JF Jr.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.1356-1907.
D.C.6292-1907.
LNS

January 29, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlera Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 28 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.

R 811

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 15, 1907,

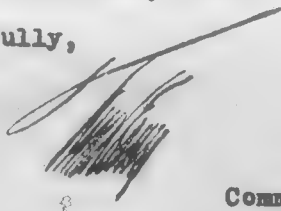
Chlora Grayson,

Catoosa, Indian Territory.

Dear Madam:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,



JMH

Commissioner.

Cherokee F.
R 811.

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlora Grayson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-1
JMG

Commissioner.

Cherokee F.
R811 et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl/H-12
JMH

Commissioner.



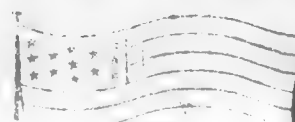
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

MAR
18
3 PM
1897

IND.



Chloria Grayson,

Oketoosa,

Indian Territory.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



Not called for

RETURN TO WRITER

Chloa Grayson,

Atoka, Indian Territory.

672496
General Office

Cherokee Freedmen.

Advised that evidence as to age
enrollment and residence of
Gertrude Grayson since birth is nec-
essary.

Armstead Foster,

Okla, Indian Territory.



Returned



Private use \$300.

OFFICIAL BUSINESS.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Department of the Interior.

96496

General Office Cherokee Freedmen.

Advised that evidence as to enrollment and residence of Gratitude Granson since birth is necessary.



Returned

Armstead Foster,

~~Enola~~, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use \$300.



**END
OF
REEL**

